

Value of laws & treaties - My don't seem to

Respect by recognizing its form, substance  
of law, social norms.

Chin Consideration

Meaning of subj. title.

Question of law - he can interfere with it.

Law can give this a take it away

Problems of law about in law, not to have it  
and in don't take.

Meaning of jurisdiction & commerce

Gandhi's Nationalism.

Question of law. What is commerce?

Limits - from Gov also law. & R.C. from law

There can be bad & anti social religion

Chin. may seem to be Nationalism - money

& others - anti caste.

Things, human religion

Pragmatically & experimentally we have become  
convinced of the wisdom of relig. living.

WHAT RIGHTS AND PRIVILEGES MUST A GOVERNMENT GUARANTEE TO ITS OWN  
CITIZENS TO MAINTAIN RELIGIOUS LIBERTY?

1. The right of each adult individual to hold such religious beliefs and to engage in such religious practices as he may desire, provided these are consonant with public order and morality.
2. The right of every citizen to propagate his religion by such means as he may desire so long as they are consonant with public order and morality.
3. The right of public assembly for religious purposes.
4. The right to hold property in the name of the religious body without danger of occupation or confiscation by the state, provided the property is used for religious purposes.  
*As to foreigners - Japan, Mexico.*
5. The right to conduct Theological Colleges and institutions of various grades for the training of workers needed by a religious body in educating its constituency and propagating its faith. This involves the gathering of people, both adults and children, in classes, clubs, etc., for the study and practice of religion.
6. The right ~~in the main~~ of the religious body to carry on benevolent and social work; such as hospitals, health education, institutions for defectives and orphans, and engaging in different forms of social welfare work.
7. The right of any religious group whose teachings are consonant with public safety and morality to conduct private schools for the education of their own children and those of others under whatever general regulations are enacted by the State.
8. The right to publish books, periodicals, and tracts and to distribute these freely so long as they conform to the general Press laws of the country.

*Dr. ...  
Mexico*

*no discrimination vs religion or its practices  
as y. and other human interests*

This is all of the Reithalms  
matter I could locate - you  
are charged with the  
weight letters.

*Bj*

THE BOARD OF FOREIGN MISSIONS  
OF THE PRESBYTERIAN CHURCH IN THE U. S. A.  
156 FIFTH AVENUE, NEW YORK

Sept. 18, 1930

MEMORANDUM

FROM Miss Sheppard

TO Dr. McAfee  
Dr. Fenn

Dear Friends:

*RECD.*

*26. 1930*

*Ans'd Letter to Dr. Fenn. 27 Sept 30.*

Following up our brief conversation yesterday about the neutrality of missionaries in India, I want to share with you the material that was handed to us at the meeting, September 16, of the Committee on Missions and Government. Neither Miss Hodge nor Dr. Speer could be present. I was not there as a substitute for either of them, but because of my membership on the Committee on Field Problems. This Committee met the hour preceding the one on Missions and Government. We were invited to sit in and listen to the discussion on missionary neutrality following the closing of our own Committee meeting. If Dr. Fenn had not had another engagement he would have remained, as I did, for this discussion. I therefore want to share this material with him and with Dr. McAfee, as our senior secretary at the present moment. As I understand it, this correspondence was only for the confidential use of the Committee in order to understand the request from the American Board. The discussion at the Committee meeting revolved around the three general questions, which are listed as follows, on the first page where Mr. Moss has briefly reviewed the case:

" In the thinking of the American Board representatives this situation gives rise to three questions: (1) The responsibility of American missionaries for the loyalty of the leaders of the Indian Church. (2) What has the Government the right to demand of missions and missionaries in return for its support of their educational and other public work? (3) When there is need of an interpretation of the meaning of neutrality, or the responsibility of missions receiving support from the Government, should missionaries be expected to accept without question the ruling of the District Magistrate in the district in which they are living?"

There were very few members of the Committee on Missions and Government present at the meeting. They soon realized what an important issue had been brought before them, and when I left, ten minutes before the close of the discussion, it was evident that no one wanted to take any final action at that time.

Dr. Alden H. Clark, who presented the matter for the American Board, added a few brief facts, which I jotted down and I think are correct, but I do not give them to you as verified information.

Mr. Hall, the Collector, who is the Government Official mentioned all through the correspondence, is the senior member in the Madras Presidency. He has been under very great strain during these months of Civil Disobedience. The Government Official, who has been recently appointed, has felt that things should be stiffed up, and Mr. Hall has heartily agreed with him in this point of view.



THE BOARD OF FOREIGN MISSIONS  
OF THE PRESBYTERIAN CHURCH IN THE U. S. A.  
156 FIFTH AVENUE, NEW YORK

MEMORANDUM

FROM

TO Dr. McAfee  
Dr. Fenn

-2-

September 18, 1930

Mr. Keithahn is a missionary in his first term, unmarried, a mystic and idealist, who has had intimate relations with the Indians. Mr. Keithahn was garlanded with Mr. Reynolds as he left the railroad station, and therefore Mr. Hall contends that by this act he was associated in the minds of the Congress Party as endorsing the Gandhi program. Because of Mr. Keithahn's membership in the Mission, Mr. Hall feels that the Mission is also involved.

I understand that in Mr. Keithahn's interview with Mr. Hall, Mr. Hall accepted the fact that Mr. Keithahn was not a rebellious type of person, and had had no intention of making any public declaration of sympathy with the Congress Party. Mr. Hall intimated that Mr. Keithahn could return after all this had blown over. Mr. Keithahn is now in America, although the Board has not accepted his resignation as a missionary. When Mr. Reynolds returned to England, he requested an investigation by Parliament of the incident. This is now pending.

The Madura Mission, after an interview with Mr. Hall took action, stating that they believed that Mr. Keithahn has violated his neutrality in the "totality of his actions" and disassociated themselves from his actions. You will note in the mimeographed material the mention of Dr. Roberts being unwilling to sign this statement and therefore creating a lack of unanimity, which Mr. Hall had insisted upon. Later, so Dr. Clark stated, Dr. Roberts wrote a letter to Mr. Hall, in lieu of signature to the Missions Action, which Mr. Hall accepted. The Madura Mission has received in all about 500,000 rupees as grant in aid. In explanation of the letter Mr. Vaughn sent to the Pastors of the Church Council, Dr. Clark said that Mr. Vaughn took his position under great pressure from Mr. Hall and believed that they should conform as much as possible to his request and ask questions later.

I think these are all the additional facts presented at the Committee Meeting. Mr. Moss has had no further word from Mr. Paton than the letter he mentions in his statement. After you have read this material, will you be good enough to send it through to Dr. Speer's office?

Sincerely yours

*Irene Sheppard*

Irene Sheppard

IS-B  
Encl

THE BOARD OF FOREIGN MISSIONS  
OF THE PRESBYTERIAN CHURCH IN THE U. S. A.  
156 FIFTH AVENUE, NEW YORK

MEMORANDUM

FROM

TO

Dr. McAfee  
Dr. Fenn

-3-

September 26, 1930

P.S. September 26: Since dictating the above I have been able to secure an advance copy of the Minutes, which I attach. You will notice that they agreed unanimously to ask for an interpretation of the status and neutrality through Mr. Paton of the International Missionary Council.

I also attach for convenient reference the agree-  
ment our Board signed with the British Government in  
January, 1920, as well as the form we use in certifying  
to each new missionary who is appointed for service in  
India.

If I am able to secure a copy, I will also attach  
copy of the letter sent to the British Ambassador by Dr.  
White at this same time.

I.S.



XII

MINUTES OF  
COMMITTEE ON MISSIONS AND GOVERNMENTS

September 16, 1930

There were present: E. T. Colton, Chairman, J. R. Edwards, R. E. Diffendorfer, Miss Sarah S. Lyon, John W. Wood, Miss Florence Tyler as alternate for Mrs. W. L. Darby, and J. C. Robbins for J. H. Franklin, and Secretary L. B. Moss.

By invitation the following were present: Charles D. Bonsack, Alden H. Clark, T. S. Donohugh, Miss Mabel Emerson, E. W. Riggs, Miss Irene Sheppard, E. E. Tuck.

Dr. Robbins led in opening prayer.

The Secretary distributed papers giving information on the case of Mr. Ralph R. Keithahn, an American Board missionary, who was ordered by the government to leave India because of activities which it felt transgressed his pledge of neutrality. He stated that the Prudential Committee of the American Board in considering the case had taken action addressed to the Committee of Reference and Counsel as follows:

"Whereas it has recently become apparent that there are differences of opinion in regard to the status and responsibilities of American missionaries in India in relation to the Government, and

"Whereas it is of great importance both to the Missions and to the Government officials involved to have a clear understanding in regard to these matters,

"We request the Committee of Reference and Counsel of the Foreign Missions Conference of North America to take such steps as seem to it wise to secure a clearer understanding of the status and responsibilities of American missionaries in India in relation to the Government and to see that this is made known to those involved."

Mr. Alden H. Clark further presented the matter, stating that they are not raising the question of the justice of the sending out of India of Mr. Keithahn, but that of the demands being made on the church in India, and for teaching loyalty, in return for receiving government grants; or in other words, a clearer definition of what constitutes loyalty and neutrality. After discussion a committee was appointed which brought in a suggested action, starting with a preamble quoting the action of the American Board given above, and continuing as follows:

The Committee on Missions and Governments recognizes the need for the parties concerned to have mutually reconcilable interpretations of the arrangement with the British Government under which the Foreign Missions Conference has been operating in certifying missionaries.



It therefore recommends to the Committee of Reference and Counsel that the Secretary be authorized to lay the matter before the International Missionary Council, with a statement of the Committee's understanding of the working arrangement, and to request the International Missionary Council to secure from the proper Government authorities their interpretation of the same.

It further recommends that in the covering letter to the International Missionary Council it be suggested:

1. In cases calling the neutrality of alien missionaries into question, should not they be dealt with by the Provincial Government or higher authorities before action is taken, except in possible emergencies?

2. Should American missionary organizations be expected to hold themselves responsible for the political attitude of the Indian Christians?

3. Should the receiving of Government grants invalidate the position of neutrality previously agreed upon?

This recommendation was unanimously approved.

The meeting adjourned.

L. B. Moss

Secretary

*Confidential*

THE CASE OF MR. RALPH R. KEITHAHN

Mr. Keithahn, missionary of the American Board, was requested by the government officials on June 15, 1930 to leave India because of activities which the government felt transgressed his pledge of neutrality as an American missionary. The District Magistrate further intimated to Mr. Keithahn and the American Board Mission that favorable action on their requests for assistance would not be taken until Mr. Keithahn had left, and the members of the Madura Mission had dissociated themselves from his action.

The Prudential Committee of the American Board in considering this case has taken the following action addressed to the Committee of Reference and Counsel:

"Whereas it has recently become apparent that there are differences of opinion in regard to the status and responsibilities of American missionaries in India in relation to the Government, and

"Whereas it is of great importance both to the Missions and to the Government officials involved to have a clear understanding in regard to these matters,

"We request the Committee of Reference and Counsel of the Foreign Missions Conference of North America to take such steps as seem to it wise to secure a clearer understanding of the status and responsibilities of American missionaries in India in relation to the Government and to see that this is made known to those involved."

In the thinking of the American Board representatives this situation gives rise to three questions: (1) The responsibility of American missionaries for the loyalty of the leaders of the Indian Church. (2) What has the Government the right to demand of missions and missionaries in return for its support of their educational and other public work? (3) When there is need for an interpretation of the meaning of neutrality, or of the responsibility of missions receiving support from the Government, should missionaries be expected to accept without question the ruling of the District Magistrate in the district in which they are living?

This matter becomes of importance because cases of this sort are likely to be utilized as precedents in further situations that may arise. Correspondence has been carried on with Mr. Paton to see if further information concerning the attitude of Government could be secured through the India office in London. Mr. Paton, however, has not approached the office since the information at his disposal did not seem to him sufficient to make clear just what his representations to the India office should be. A note just received indicates that the matter is becoming somewhat clarified in his own mind, but gives no further indication than that.

~~Confidential~~

EXCERPTS FROM VARIOUS LETTERS

Letter from Mr. Keithahn to Dr. Strong, June 16, 1930

Now as to the cause of it all. To me, at least, Mr. Hall has mentioned only the fact that I entertained a friend, Mr. Reynolds, for a day in my home. Mr. Reynolds is a young friend who came about a year ago to visit India and understand better this country. I met him at Gandhi's Ashram last November when we became friends. At that time I invited him to come to Pasumalai when he left India and stay a few days that I might take him out into the villages to know something of the village life of India. He was very anxious to do this and in our correspondence together later on we often referred to this. Meanwhile, Mr. Reynolds was asked by Gandhi to take his ultimatum to the Viceroy which he did. This made his name known thruout India. Recently he decided that there was no use for him to stay in India and made plans for his return to England. He wrote and told me when he was coming, even saying that if I thought there was any danger of trouble that he would be glad to have me withdraw my invitation.

It is true that the Collector had sent word to our Mission about its "neutrality" some time back. I had that definitely in mind. I also knew that Mr. Reynolds had been staying in the homes of Govt. officials and was going to do so in Madras. I had no reason to feel that what I was doing was a hostile act towards Govt. I still am unable to see it so. Mr. Reynolds came. He had been unwell. I took him quietly to my home. I said nothing to Congress people or sympathizers of his presence. However they did learn the next morning of his presence and came to see him. He spent about an hour with them in Madura and then went with me to the home of an Indian Govt. official for lunch and before he got on to the train. At the station many wearing khaddar were present to cheer Reynolds off. I suppose some of them were Congress people, in fact I know some were now, altho, I had no such knowledge at the time. I was garlanded with Reynolds with a garland of khaddar thread. I said goodbye when the train moved out and came away.

I told Mr. Hall all this. He knows it of course as well as I do thru the work of the C.I.D. Dept. And as I said, Mr. Hall said that he did believe in my sincerity of purpose. However the decision of Govt. was made upon the act which they considered an act of opposition against Govt. They could not take into consideration any motive upon my part, no matter how good that might be.



Letter of June 17 from Dr. Banninga, Secretary of the Mission, to the American Board.

As the Collector was to be in Madura on that date he sent the Messenger asking me to call on him. Miller told me about his interview with the Collector and so I was more or less prepared for it. When I saw him in his office on Saturday he informed me kindly but very firmly that Government had decided that Mr. Keithahn must leave the country at once and until he went Government would hold up all requests by the Mission for land or grants of any kind. I had a long talk with the Collector about political conditions and he told me why they felt it was necessary that Keithahn should go.

I think that Dr. Miller has already written you concerning the interview he had with the Collector at Kodaikanal about a month ago which was reported to the Mission at its meeting in Kodaikanal. In that conference the Collector had mentioned Keithahn as being very friendly with certain political leaders in India and suggesting that the Mission must be very careful with regard to its own members not only but with regard to all Indian workers in the Mission. Government felt that we as an American Mission must be at least neutral in our attitude toward the political situation and if possible friendly. The Collector did say to me that he did not expect us to become loyal British subjects, but that he felt he could ask us not to be friendly with those who at present are opposing Government.

It was after this interview with Dr. Miller at Kodaikanal and after Dr. Miller had reported the matter to the Mission that Mr. Keithahn came down from Kodaikanal and entertained Mr. Reynolds in his bungalow here at Pasumalai. Mr. Reynolds is a young Englishman who has been spending several months in Gandhi's Ashram in West India and it was Mr. Reynolds that Gandhi chose as the messenger to carry his last word to the Viceroy in Delhi. Instead of sending his letter by mail Mr. Gandhi sent it by the hand of Mr. Reynolds and that naturally gave him a notoriety that he would not otherwise have enjoyed. Mr. Reynolds elected to go back to England thinking that he could serve India better there than here in India and on his way passed through South India.

Mr. Keithahn had met him at Mr. Gandhi's Ashram and finding that he was a Christian of the Quaker persuasion he saw in him a man of very similar views on several subjects and consequently they struck up a friendship and Mr. Keithahn told him that when he came to South India he would be glad to take him out into the villages to show him something of the life there. That all happened last November when Mr. Keithahn took his trip to North India and had his visit come off at that time Government would have said nothing about it.

Since then, however, there has been considerable trouble in South India and here in Madura too there has been a great deal of development of the anti-British attitude. It seems that the Madras Government has now decided to stiffen up its policy very considerably and Mr. Hall, our Collector, as well as the Collectors of other districts and the central government itself have determined to do



Letter of June 17 from Dr. Banninga, Secretary of the Mission, to the American Board.

all they can to prevent the further spread of anti-Government sentiment and it is because of the very influential position that the Mission has in the district that our Collector feels that there must be no evidence of any kind that the Mission and its workers sympathize actively with the Congress party.

They feel that Keithahn's entertaining Mr. Reynolds and going with him to the station to see him off the next day when several leaders of the Congress Party were present associated not only Mr. Keithahn but the Mission with the Congress Movement and they feel that this could not be permitted at this time. Hence they have called into action the law with regard to the regulation of foreigners in India and Mr. Hall informed the Mission that either Mr. Keithahn must go home at once of his own free will or by Mission action if necessary or else Government would itself send him out of the country and in the meantime it would hold up all grants of every kind to the Mission.

*Confidential*

Letter from Dr. Alden H. Clark to Leslie B. Moss, August 13.

One thing which comes out of the reports on the Keithahn case is that there seems to be marked difference of opinion between different missionaries and also between missionaries and local government officials as to the status of American missionaries and their responsibilities in the present political crisis in India. The missionaries go out under a pledge to do nothing subversive to the government. What is involved in such neutrality? The district magistrate of the Madura District, backed by the Government of the Madras Presidency, has decided that Mr. Keithahn overstepped the bounds of neutrality and therefore could not stay longer in India. The district magistrate, whether under direction of the government of Madras or not we do not know, also demanded that the Madura Mission pass a vote repudiating the activities of Mr. Keithahn. In a talk with a senior missionary of the Madura Mission, he told him that the resolution of repudiation of the position of Mr. Keithahn must be passed unanimously and that any who did not vote for it would be considered by government to be in sympathy with the position of Mr. Keithahn and thus presumably liable to be asked to leave India. The district magistrate also told the Secretary of the Mission that he would hold the Mission responsible for the loyalty of the pastors of the churches. An official letter from the Secretary of the Mission Board includes the following statement: "The District Magistrate includes the Madura Church Council in the Mission though we have tried to show him that the Mission as such is not responsible for the Church Council nor has any authority over it. But he does not accept that explanation and maintains that we are responsible for the conduct of the pastors. As Mission Secretary, therefore, I asked Mr. Vaughan as Chairman of the Church Council to communicate with the pastors. In as much as the pastors are the correspondents for the village schools in their area they also, you see, came under the arrangements by which all persons receiving grants from Government are expected to be loyal to the Government.

As you will see, on the pressure of the District Magistrate the Mission Secretary wrote the Chairman of the Church Council, communicating to him the position of the District Magistrate in regard to pastors. As a result of this letter, the Chairman of the Church Council, who happens to be also a member of the mission, Rev. C. S. Vaughan, wrote to all the pastors of the churches, the following letter:

\*\*\*\*\*

July 4, 1930.

The Pastors of the Madura Church Council.

Dear Brethren:

You are not unaware of the fact that at the present time Government is being attacked with the avowed purpose of overthrowing it. The Church Council is not, as a body concerned with the methods used, nor the character of the Government's enemies. What is now of great concern to us is Government's wise and most natural decision not to aid and comfort its enemies. The only alternative to this would be for Government at once to acknowledge defeat.

In the carrying out of this decision, as I am informed, Government will stop all grants, or aid of every sort given to all organizations that are antagonistic to it. Note the word: Government does not propose to deal with individuals but with organizations or groups, especially in the case of bodies, like our Madura Mission, composed largely of aliens who are in India under a special permit. In our case, the organization with which Government deals is the American Madura Mission and it has already shown that it purposes to make its decision fully effective.

It follows therefore, that each one of you has it in his power, by a thoughtless word or an ill considered statement, to cause very great inconvenience and loss to all of the Council work as well as to all of the work of the Mission. This fact should tend to make each of you exceedingly careful both as to what you say and what you do that will give help to its enemies and thus embarrass the Government. It will further make it clear to any one who feels that he cannot refrain from opposing Government that it is his duty to dissociate himself entirely from the Mission and the Madura Church Council before he takes this course; since it would be most inconsiderate and unjust for him, by his course of conduct, to bring everyone into trouble along with him. I venture therefore to request any one, if there be one, who feels that he must, at this time, in any manner, give sympathy and help to the enemies of Government that he will first fully disconnect himself from the Mission and Church Council and so not bring those who do not feel the same necessity of opposing Government that he does, into the same punishment with himself.

Being myself a Canadian I am a British subject and so am in a different relation to this whole matter from that of the majority of the members of the Mission. It is not however, as a British subject, but as the Chairman of the Church Council, that I have been asked by the Mission Secretary to address you on this subject. I do not think that the mere fact of my place of birth materially affects my views of the present political situation. I am in full sympathy with India's desire for Home Rule and feel that this should be given at the earliest possible date. I am persuaded that this is Government's policy which it will adhere to in spite of the present situation. I fully understand that experienced and expert officers especially chosen to make an impartial study of the whole question will have a broader and more complete view than those who see only a part of the problem. It is my conviction - and this conviction is supported by the expressed opinion of a leading Indian Christian - that the early withdrawal of the power of the present Government would plunge India into a long period of anarchy and bloodshed so that the shortest road to real Home Rule for India is through the support of Government in the carrying out of its policy. I therefore feel that quite apart from my duty of loyalty to my King, I would be in full sympathy with Government at the present time.

Sincerely yours, C.S. Vaughan, Chairman  
of the Madura Church Council.

The point that we here desire to emphasize is that the chief government official of the Madura District has insisted on holding American missionaries responsible for the loyalty of the Indian Church associated with them. The fact that the pastors of the churches are also superintendents of village schools brings a complicating element into the situation, but this element is not emphasized in the correspondence. What is emphasized is the insistence of the District Magistrate that the American Missionary Organization should hold itself responsible for the political attitude of pastors in its connection. As you will note in the letter of the chairman of the Church Council to the Pastors, he suggests to the pastors that any ill-considered statement on their part might cause loss to the Council



and to the Mission and therefore that if they feel that they must oppose government they should first dissociate themselves from the Mission and the Madura Church Council.

I am sure that you will readily see how farreaching are the implications of such an interpretation of the neutrality of American missionaries. If such an interpretation is accepted it means that all leaders of Indian churches which have any association with American Missions are to be compelled by threats of evil consequences to the Mission and Church Council to remain loyal to the British Government. As Mohammedans or as Hindus, Indians can express themselves freely in political matters without involving anyone but themselves, but as Christians this interpretation seeks to muzzle those connected with American Missions. I do not think that one's position about the rightness or wrongness of the present nationalist movement in India is necessarily involved in this question. I myself think that the nationalists made a very grave mistake in starting their campaign of resistance. What seems to me to be the fundamental question involved is the interpretation of the responsibilities of American missionaries in their relationship to the British Government of India and to the Indian Church. It is true that this is a difficult time in which to secure a disinterested interpretation of the meaning of neutrality. British officials are under a great strain and have naturally developed almost a war psychology. Yet it is at any moment possible that such a position as this which has just been acted upon in Madura may be demanded in other districts by other local officials. It seems to us therefore, that in spite of the difficulties of the present situation it is of great importance that both American missionaries and British officials clearly have in mind what responsibilities are involved in the position of American missionaries in India. After the meeting of our Prudential Committee on the 9th of September I shall inform you of their attitude on this question. In the meantime, I am sure that you do not need any action on their part before submitting this question to the Committee of Reference and Counsel.



Letter from Dr. Alden H. Clark to L. B. Moss, August 21 .

*Confidential*

My dear Mr. Moss:

Thank you for your letter of August 18th. There has come to hand this week further information from the Field in regard to the Keithahn case, and I am passing on to you what seems to be most significant in it. In the first place the Interim Committee of the Madura Mission met on July 10th, twenty-nine members of the Mission being present. The following is from the letter of the Secretary, Dr. Banninga:

"At the meeting the request of the District Magistrate was stated clearly and explicitly and a motion was made and seconded and then discussed and finally passed unanimously in the following form:

'WHEREAS all American members of the American Madura Mission before being allowed to proceed to India for residence and work are required to give a pledge that they will maintain as to all political movements an attitude of neutrality, and

'Whereas the Rev. R. R. Keithahn a member of the American Madura Mission has not observed that pledge, therefore

'RESOLVED that we as a Mission desire publicly and un-animously to dissociate ourselves from such of his activities as have constituted a breach of this pledge.'

"It was further resolved that this resolution should be signed by all present and then circulated to the other members of the Mission for their signatures before the same is forwarded to the District Magistrate for his information."

In a letter written on July 22nd the Secretary reports that all other members of the Mission had signed this resolution except one, Dr. Roberts, a lady doctor and a British Subject, who refused to sign. Dr. Banninga was disturbed lest the Collector should carry out his threat and classify Dr. Roberts with Mr. Keithahn.

Now in the second place, let me give some further data in regard to the background of the present situation. It seems that in 1926 before the American Board had been recognized under the provisions of the Indian Government General Order No. 86, dated February 2d, by virtue of which the Foreign Missions Council of North America gave its assurance that American Board Missionaries would undertake to do nothing contrary or in diminution of the authority of the lawfully constituted government of the country, the District Magistrate of Madura asked the members of the Madura Mission to sign the following:

"I hereby undertake to give all due obedience and respect to the lawfully constituted government, and, while carefully abstaining from participation in political affairs, it is my desire and purpose that my influence, in so far as it may be properly exerted in such matters, should be so exerted in loyal cooperation with

Letter from Dr. Alden H. Clark to L. B. Moss, August 21.

Government: and in particular, if engaged in educational work, I undertake to do all in my power to promote good will and understanding between the people and the Government of the country and to make those under my care law-abiding and good citizens."

Mr. Keithahn signed this pledge along with the other members of the Madura Mission who were then in India.

Up to the present moment, we have been somewhat handicapped in interpreting the point of view of the District Magistrate because we have had nothing in writing from him. Dr. Banninga has now enclosed a letter of the District Magistrate's, a copy of which I am enclosing in this letter. You will see that this letter of Mr. Hall's makes far more demands upon American missionaries than the pledge signed under the auspices of the Foreign Missions Council. It even seems to me to go considerably beyond the pledge signed by the Madura Missionaries in 1926. The Collector expects every person whatever his nationality who cooperates with the government in any public work to show disapproval of the civil disobedience movement. He is expected actively to promote loyalty to the government. This, as you see, goes far beyond the demand for neutrality. I should think, therefore, that in addition to the question which I submitted to you in my last letter; namely, that of the responsibility of American Missionaries for the loyalty of the leaders of the Indian Church, we should also add two other questions. First, what has the government the right to demand of Missions and Missionaries in return for its support of their educational and other public work, and second, when there is need for an interpretation of the meaning of neutrality or of the responsibility of Missions receiving support from the government, should Missionaries be expected to accept without question the ruling of the District Magistrate in the district in which they live? Inasmuch as such interpretations are as a rule applying to all American Missionaries in India, it seems to me that it should not be possible for a single District Magistrate who may hold extreme views to enforce his interpretations under threat of a sudden withdrawal of all grants and the sending home of all Missionaries who do not accept his rulings.

With appreciation of your cooperation in this matter,

Sincerely yours,

(Signed) Alden Clark.

P. S. Perhaps I should add two points that may be of interest. The Madura Mission has not acted upon Mr. Keithahn's resignation. Therefore, from the point of view of the Mission and the Board he is still in full standing as a member of that Mission.

Letter from the District Magistrate to Dr. Banninga, dated July 4.

~~Confidential~~

My dear Dr. Banninga:

There seems to be some reason to think that there is a tendency to regard the civil disobedience movement and the measures taken to combat it as matters for the magistracy and the police alone. This is no doubt true as regards active manifestations of the movement and more particularly those of a violent character. But the civil disobedience movement, which deliberately seeks to defy established law and order, is directed at the Government as a whole including the department of local Self-Government and the departments dealing with education, medical relief, etc.

It is therefore the duty not only of every servant of the Government, no matter in what department he may serve, but also of every person whatever his nationality may be, who belongs to one of those non-official organizations which are permitted by the Government to participate in any educational, medical or other public work in India, to show his disapproval of the movement. He is expected to take every opportunity of promoting amongst those whom he is brought into contact by reason of the activities of the organization to which he belongs loyalty to the Government and of countering and exposing by informal talks and discussions the lies, misrepresentations and economic fallacies that are used in support of the Congress programme. The Government expects this service to be faithfully performed and look to you as a member of such an organization to see that effect is given to this expectation. Any advice that you may require as to the particular methods to be followed will be willingly supplied by me on application.

Yours sincerely,

J. F. Hall



The Recording Secretary reported that he had received from the Committee of Reference and Counsel the necessary papers with the form of statement which would be required by the British Government for all Missionary Societies operating in British territory. The Board instructed the President and the Recording Secretary to fill out and sign the necessary statement and return it to the Committee of Reference and Counsel for transmission to the British Authorities. The form was as follows:

"Whereas, the British Government has announced regulations in regard to the work of missionary societies and of missionaries, employes, and agents of missionary societies conducting work in British territory; and

"Whereas, these regulations require each Society to file with the Committee of Reference and Counsel of the Foreign Missions Conference of North America a declaration of its willingness to give all due obedience and respect to the lawfully constituted Government, etc., etc., the . . . . .  
(Legal title of Board or Society)  
. . . . . hereby declares:

1. That the . . . . .  
(Name of Board or Society)  
recognizes that all due obedience and respect should be given to the lawfully constituted Government of the country where it is conducting missionary work;
2. That, while carefully abstaining from political affairs, it is the desire and purpose of this Board or Society, that the influence of the Board or Society, in so far as it may be properly exerted, should be so exerted in loyal co-operation with the Government of the country concerned;
3. That this Board or Society will exercise the greatest care in selecting its missionaries with a view to employing only those who will work in this spirit;
4. That this Board or Society will make every effort to facilitate the efforts of its missionaries to work in this spirit; and
5. That this Board or Society authorizes its officers to take such steps as may be necessary to cooperate with the officers of the Committee of Reference and Counsel of the Foreign Missions Conference of North America in carrying out the regulations issued by the British Government in regard to the work of this Society and its missionaries in British territory.

On behalf of . . . . .  
(Name of Board or Society)

. . . . ."  
( To be signed by the officers)



**CERTIFICATE OF MISSIONARY APPOINTMENT**  
(FOR NEWLY APPOINTED MISSIONARIES)

TO WHOM IT MAY CONCERN

*This is to certify*

(1) That .....  
(Name in full—initials not sufficient)

has been duly appointed by

.....  
(Legal Title of Board or Society)

for service as a .....  
(Kind of Work)

in .....  
(Country to which assigned)

Do  
Not  
Write  
in  
This  
Space.

(2) That to the best of my knowledge and belief the facts concerning him set forth on the reverse side of this document are correct;

(3) That I have every reason to believe that he will carry out to the best of his ability the spirit and intent of the Declaration required by the British Government to which he has subscribed (see over); and I declare that every effort will be made by said Board or Society to facilitate his doing so.

Issued on behalf of .....  
(Legal Title of Board or Society)

having offices at .....  
(Address of Board or Society—street, city, state or province)

Seal of  
Board  
Here

.....  
Secretary.

(To be filled out and signed by the missionary)

1. Name in full (*Do not use initials*)
  2. Present address
  3. Year of birth
  4. Place and country of birth
  5. Your citizenship
    - (a) Of what country are you a citizen
    - (b) If a naturalized citizen of the United States or of Canada (or other parts of the British Empire) give date and place of your naturalization
  6. Parentage:
    - (a) Father's name in full (*Do not use initials*)
    - (b) Where was your father born
    - (c) His citizenship
    - (d) If father was *not born* in the territory of the British Empire or of the United States, give date and place of naturalization
  7. Have you previously resided in any British territory?
  8. Give places of residence in British territory, date, etc.
- 
- 

*Do  
Not  
Write  
in  
This  
Space.*

9. Have you ever been refused a permit to enter any part of the British Empire?  
If so, for what country and in what year?
10. Have you ever been refused a passport by the United States or by Canada or any other country?
11. Name of Mission or School and location where you are to work

## DECLARATION

I .....hereby undertake to do nothing  
(Name)  
contrary to, or in diminution of, the authority of the lawfully constituted Government in the country to which I am appointed  
by .....  
(Board or Society)

Signature .....

*Dr. Mangle*  
*Horace K. Wright*

THE WESTERN INDIA MISSION  
OF THE PRESBYTERIAN CHURCH, UNITED STATES OF AMERICA

REV. HORACE K. WRIGHT, M.A., B.D.  
SECRETARY

754  
1930  
SECRETARIES

*010*

AHMEDNAGAR  
11 September 1930

Robert E. Speer, D.D.,  
156 Fifth Avenue,  
New York,  
United States of America.

Dear Dr. Speer:-

Your letter dated 5 August 1930 was received by the last in-coming mail. You refer to a matter therein, a matter which I desire to discuss in detail. This is

The Case of Rev. R. R. Keithan of the Madura Mission.

This is an important case in the history of Missions and one about which we shall hear more before the end comes. Rev. R. R. Keithan was appointed to the American Madura Mission of the A. B. C. F. M. in 1925. He was stationed at Pasumalai where he was doing good work. About a year or so ago he made a visit to Missions and institutions in Western and Northern India. He visited Gandhi's Ashram and became acquainted with a young Britisher named Reynolds who later became the bearer of Gandhi's Ultimatum to the Viceroy. The two became friends and corresponded rather frequently. It became known that Keithan had friends among the Nationalists and he was watched. His mail was censored. Police were put on his trail to report his movements, etc. I believe that he received a warning and he was urged not to show himself too much of a Nationalist.

During April, May and part of June of this year many missionaries were at Kodaikanal. Among them was Keithan. We saw much of him. In fact he was camping along with friends of ours at a favourite camping place near Kodaikanal. I remember having written about the Kodaikanal Conference and the discussion of the Indian political situation that took place; I wrote that there were missionaries who felt that in the interest of Missions and Christian work it was desirable that a statement be issued; that many American Missionaries regarding themselves as "guests in the country" refrained from participating in this movement; and that finally the British missionaries issued a statement, a copy of which I sent to you.

The Collector of Madura, then in camp watched the proceedings very closely. He even ventured to attend the final meeting of the Conference and heard the Secretary of the National Christian Council Rev. J. Z. Hodge, make the statement that the missionaries could not agree and that a public statement in the name of the Conference would not be made. The Collector was very active during the Confer-



ence. He sent for certain missionaries and made his views known to them. In conversation with Dr. A. L. Wiley, then Secretary-Treasurer of the Kodaikanal Missionary Union, he stated that there were certain members of the American Madura Mission under surveillance and that certain of these would not be permitted to return to India.

About the end of May or early in June Reginald Reynolds started via Poona and Madras to return to England. In Poona he was the guest of Father Elwin of the Christa Seva Sangh, the Society established by Rev. J. C. Winslow. I understand that he addressed a meeting which had been arranged. He then proceeded to Madras where he was the guest of a British gentleman. He then went to Madura where he was met by Mr. Keithan and certain Nationalists. These, including Keithan, were dressed in Khadi-the country-cloth. Reynolds, of course, was warmly received. He went with Keithan to the latter's bungalow where he was a guest. Keithan, in a letter to certain friends of ours stated that he was surprised and embarrassed to find himself in the company of so many Nationalists at the Station and to find himself so manifestly under the surveillance of the police.

It did not take long for events to develop and come to a head. While we were still in Kodai the Collector sent for Rev. J. X. Miller, acting-Secretary of the American Madura Mission and informed him that the Mission would have to send Keithan home or lose Government grants. Keithan, seeing that his connection with the Mission was embarrassing the Mission, voluntarily resigned. This is an important point. He did not permit matters to go to the length where the Mission would formally have to make a decision as between him on one side and Government patronage on the other.

Having resigned Keithan set out, all alone and entirely unassisted, to seek an interview with the Governor of Madras then at Ootacamund. It so happened that he was on the very train on which we were returning from Kodaikanal. We discussed the matter at length. He went to Kodaikanal and had an interview with the Governor during which he asked His Excellency as to why the Government of Madras had ordered his deportation from India. He was greatly surprised to have His Excellency reply that he-Keithan- was mistaken, that his Government had issued no such order, and that it was immaterial to his Government as to whether Keithan stayed or left. This struck everyone as being a very unusual situation. Many of us felt and do feel that the Collector of Madras had apparently gone further than was intended by the Government of Madras. However, the Collector followed up the matter by insisting that the Mission hold a regular meeting and formally disassociate themselves from the activities of Keithan. This meeting was held early in July. In the latter part of August the Government of Madras formally issued a communique stating that the Mission had formally disassociated themselves from the activities of Keithan. In the meanwhile Keithan had left India and proceeded to America.

The matter has been widely commented on by Indian papers-both English and vernacular. I propose to give here Keithan's letter as it appeared in the Indian Social Reformer dated 16 August 1930. On looking up the letter I find it too long, so I am enclosing same. I enclose also an Editorial from the Indian Daily Mail, written



Certain Observations on the Keithan Case.

1. In all the discussion that may attend the case it should be kept clear that Keithan was not found guilty, by any responsible body, of conduct unbecoming a Christian missionary. I am of the opinion that had Keithan been a member of some Mission in the Bombay Presidency he would not have had the experience he had. The Bombay Government have not dealt as summarily with Father Elwin, who also received Reynolds and in other ways showed his sympathy with the Nationalists, as the Madras Government dealt with Keithan. Some try to explain this by stating that the Madras were nervous, largely because of their experiences with the German Missionaries during the war. Be that as it may, it is a fact, however, that other Provincial Governments have not acted as drastically as the Madras Government.

2. The Collector of Madura placed the Mission in a very difficult position and demanded action on principles and measures on which Missions rarely can take action without the consent of the Home Boards. It was a case of grants-money and land-versus a man with Nationalist sympathies.

3. The entire affair does not reflect credit on the Madura Mission. I have heard of no missionary outside the Mission-although there may be some-who felt that the Mission really measured up to the big challenge of the occasion. Many feel that Keithan was sacrificed by his Mission to save Government patronage. No little controversy has raged and will rage about this point.

4. Neither Keithan nor the Mission availed themselves of the offices of the National Christian Council. I may add that the Government of Madras did not follow the procedure laid down by the Government of India governing relations between Government and Missions, the procedure as found in Memoranda A, B and C, of which you no doubt are acquainted. I urged Keithan very strongly to take the matter up with Simla through the N.C.C. but the time was too short.

5. It seems as if the Collector of Madura District sought to have the Mission come out definitely on the side of Government. I understand that he interpreted the undertaking given by each Missionary as being such as to bind the missionary to a positive and constructive support of Government. Most of the missionaries feel that this undertaking simply provided that signatories remained neutral. I frankly confess that I do not remember the exact wording of the undertaking I gave. I would appreciate it greatly if you could secure a copy of this undertaking and send it out to me. It may be of value later.

The Case of L.L.Lorbeer.

Mr. Lorbeer was a member of the Madura Mission. He was called to Kodaikanal and requested to sign a statement that the Collector had prepared to the effect that he would not associate with persons of Nationalist sympathies. Mr. Lorbeer prepared a statement of his own, worded somewhat differently, and sought to persuade the Collector to accept this. The latter declined to do so, and Mr. Lorbeer had to sign the Collector's statement. Refusal to sign meant



failure to secure "The No Objection Certificate" necessary before one can return to India for Missionary work.

Other Cases.

I saw Rev. J. Z. Hodge, the Secretary of the National Christian Council, in Bombay this week. I asked him whether he knew of other cases. He replied that he did not. However, there are some other developments of interest. One such is

The Order of the Government of Bombay,

which appeared as Circular No. 4703 dated 26 June 1930. It read as follows:-

"Government desire to impress on the governing bodies of all recognised institutions which are in receipt of grants under the grant-in-aid code that they are responsible for seeing that no member of their staff or establishment is permitted to take part in political agitation directed against the authority of Government or to incubate opinions tending to excite feelings of disloyalty or disaffection whether inside or outside the institution under their control. They also require that the managers themselves should not allow their views on current political questions to affect their educational administration. If these conditions are not observed or if evidence is forthcoming that the students have been inspired with feelings of disloyalty or disaffection by their teachers or that the standard of discipline or the educational efficiency of the institution have been impaired, the grants-in-aid are liable to be reduced or withdrawn".

By Order of the Government of Bombay  
(Transferred Departments),  
R. W. Ewbank,  
Secretary to Government.

All Missionaries in charge of institutions receiving grants received this order and were requested to formally acknowledge receipt thereof.

The Order of the Resident Kolhapur State.

While I was in Miraj in August Dr. R. C. Richardson showed me a copy of a letter addressed by the Resident of Kolhapur State and Political Agent for the South Mahratha States to Rev. A. W. Marshall Kolhapur requesting him to request members of the Mission to instruct preachers and teachers, when preaching, not to bring in or make use of the names of India's political leaders. The letter stated that it was known that a preacher in the Kodoli District had mentioned the name of a prominent political leader in an address and that it had been noted that this had a disturbing effect upon the audience.

Whether Government anticipated developments that have taken place in the Urun-Islampur field I do not know.

The Protection of Missionaries.



At times such as these the question naturally arises as to what missionaries should do in crises. This question was discussed at Kodaikanal but not at sufficient length. I doubt very much whether as a group missionaries in India would follow the ideal laid down by the Jerusalem Council. The situation has been such and may again be such as will make it necessary for missionaries as individuals or for missionaries in groups to take some action or other. I am told that missionaries in certain Districts received sealed instructions from District authorities. These provided that in case of an uprising they were to proceed to certain places. Missionaries in another District were assured that they would be evacuated, if necessary. During May the situation near Vengurla was such that it was thought wise to keep Missionaries out of the Station. The Executive Committee took action providing that missionaries of Vengurla and Ratnagiri Stations should not return to their Stations unless assurance had been received from the Collector that it was safe to proceed and unless they could proceed in groups. The rains began, the situation changed, and it was not necessary to put the action into effect. I have been told that sealed instructions were issued to the Missionaries of Ahmednagar, but I have not seen these nor received these.

#### Missionaries and the Nationalist Movement.

Nationalists feel that Missions are the arm of British Imperialism. This conviction has found expression repeatedly in the columns of the Social Reformer and the Indian Daily Mail. V. J. Patel, the ex-President of the Legislative Assembly, criticised Missions very strongly in a public address. P. O. Philip, a Secretary of the National Christian Council, feels that most missionaries desire that the status quo be maintained.

Missionaries are not in an easy position. The Nationalists may try to make a mission base a base for a Nationalist attack or raid. I believe that I called your attention to the experience of the Church of the Brethren Missionaries and I sent you a copy of the letter of Dr. A. L. Cottrell in explanation of his action and stand.

Nationalists sometimes do not know just what missionaries seek for India. I have been told on the highest authority that some missionaries exerted their influence to effect the initiation of the peace parleys.

I would like to enter into a detailed discussion of many of these points, but my time has gone and I must prepare for the day's work and the day's service.

Please treat this letter as a confidential report from a Field Secretary to the Home Board Secretary.

With every good wish,

Faithfully yours,

Herace K. Truhy.



PROPOSAL FOR A STUDY OF RELIGIOUS LIBERTY

- I. TITLE: Study of the Fundamental Basis of Religious Liberty.
- II. DATE: January 10, 1931.
- III. NAME AND ADDRESS OF PROPONENT: Committee on Religious Liberty (for the membership of this group see Appendix I) of the INTERNATIONAL MISSIONARY COUNCIL, 419 Fourth Avenue, New York City.
- IV. OFFICIAL RESOLUTIONS AND ACTIONS AUTHORIZING THE PROPOSAL:
- A. This proposal is a direct outcome of a resolution agreed to by the Group on Religious Liberty at its meeting on December 5-6, 1930. The resolution is as follows:
- B. The International Missionary Council passed several resolutions in regard to the problem of religious liberty.
1. The statement of the Jerusalem Meeting, 1928, on the right of religious freedom for all men. ( see Appendix II for statement in full.)
  2. The statement of the Jerusalem Meeting, 1928, on a study of the relation of the principle of religious freedom to the rights of minorities under state systems of education. (see Appendix II for statement in full)
  3. Statement of the Williamstown Meeting, 1929, on a study of the rights of minorities under state systems of education. (see Appendix II for statement in full)
  4. Statement of the Williamstown Meeting, 1929, on religious liberty in Moslem countries. (see Appendix II for statement in full)
- C. In 1929 the National Christian Council of China passed a resolution asking the International Missionary Council to undertake a study of religious freedom in relation to education. (See Appendix II for statement in full)
- V. OBJECTIVE: This project has as its objective the formulation of fundamental and universal concepts of religious liberty, which are assailed today by secularism, militant atheism, religious intolerance, extreme nationalism, and fear of foreign cultural invasion; and a study of the progressive realization of these concepts in law and in practice.
- VI. DEFINITION, SCOPE AND MAIN PURPOSES OF THIS PROPOSAL:
- A. Definition and Scope: This project will include an investigation of existing systems of law, belief, and practice in the major areas of conflict today (both by means of library research and field visitation). The investigation will deal with such questions as: (1)
1. What does the true concept of religious liberty as a fundamental and universal principle involve;



2. What are its relations to legislation, education, industry and employment, social customs and usage;
3. To what extent and in what ways has it been nationally and internationally recognized and guaranteed.

This project will also include two detailed field case studies, sociological and historical, and two intensive library studies to bring into relief the problems involved in the maintenance of religious liberty.

B. Purpose: The purpose of this project is:

1. To provide accurate data for the use of groups seeking to coordinate thought on religious liberty and its correlaries;
2. To provide material needed and desired by many existing groups, religious or political, throughout the mission fields, in order to enable them to clarify their conceptions of religious liberty, to construct programs for its realization and to secure its acceptance in their respective countries;
3. To supply material for information and use within newly organized nations where new constitutions are in force and are being tested, especially where there are religious minorities whose rights are limited or menaced.

It is hoped this to make a constructive contribution to the fuller enjoyment of religious rights and liberty by all peoples.

VII. CONSIDERATIONS IN SUPPORT OF THE PROPOSAL:

- A. Soviet Russia is at the present time launching a world-wide campaign of communism which involves an atheistic intolerance that is deadly to the religious outlook on life. (see Appendix/for statement of the situation in Russia) In the face of the propaganda, the Protestant Christian forces are uncertain as to the fundamental principles upon which they can unite and stand against all opposition.
- B. The term religious liberty has entered into many national constitutions but it is not clearly enough defined to be of value in this present situation. (see Appendix IV for statement regarding the situation in Egypt)
- C. Religious liberty is also guaranteed by international agreements which are misleading because the term is not clearly defined. (see Appendix V for statement regarding Portuguese Africa)
- D. The world is in a state of upheaval at the present time in which many national policies and programs are being decided. At this time effort is being made to write a real degree of religious liberty into these/national programs. In states where there have recently been revolutions, as for example, Russia, and in countries such as Germany where there has been an overthrow of monarchical government and a disestablishment of the state church, in consequence they are struggling with the whole question of the right of religious instruction in education, and in all the succession states where they are testing new constitutions and struggling for the establishment of minority rights, this study will be of great practical value to all these. In these states as well as in the mission fields if there were a written bill of religious rights it would be a tremendous moral support.



These statements will be of value to the Christian groups on the mission fields for example in Japan and China where they are seeking to define for themselves the rights of religious liberty which they feel they are warranted and where they are making representations to the governments for these rights. They would be strengthened by the moral backing of the knowledge of what other nations have done in this regard. In many mission fields also there are governmental groups that are genuinely concerned over what is involved in the question of religious liberty. Take for example, the situation in Korea. There the most important problem was the rights of Christian schools. Mr. Kwatsu, Secretary of Foreign Affairs of the Japanese government in Chosen when he was trying to find the true course to pursue, was ignorant of what ways in which he could learn of what other nations were doing in regard to religious freedom. He was succeeded later by other men who had made a larger study of the experience and practice of Western peoples. As a result there was a complete change of policy in the Japanese government in Chosen. At the present time Japan has a deepening interest in the question of moral education. Many Japanese leaders, especially those interested in education, feel that they have been making a great mistake in making their education secular in the past. They are now trying to come to terms with religious groups. As a result there is a totally changed attitude toward these groups especially the Christians and Buddhists who believe that they can supply elements in Japanese education which arise from their religious convictions which the secularization of the schools has precluded. Such groups both religious and governmental will benefit by the material that this study will provide.

VIII. GENERAL PLAN AND METHOD TO BE ADOPTED:

A. The direction of the project will be under the auspices of the Institute of Social and Religious Research. The staff for the project will be responsible to the Institute but will work in consultation with the officers of the International Missionary Council and the Committee on Religious Liberty.

B. Procedure. The project will be divided into four major studies as follows:

1. Preliminary Survey of library data.

a. Procedure:

- (1) Preparation of a bibliography of available literature, telling where available.
- (2) List of literature desirable to be secured for this study.
- (3) Annotated list of organizations at work on the problem of religious liberty.

b. Personnel: Bibliographer with typist or cataloguer.

|                   |                           |                |
|-------------------|---------------------------|----------------|
| c. <u>Budget:</u> | Bibliographer             | \$ 700         |
|                   | Cataloguer for two months | 350            |
|                   | Copying and incidentals   | 200            |
|                   | Total                     | <u>\$1,250</u> |

2. Analysis of the present-day situation in regard to religious liberty. The preliminary results of this study will be available for the use of the director in his field work. (see study 3)



a. A summarized statement of the national laws at the present time (including administrative practices and ecclesiastical laws and policy in the countries and regions approximately as follows:

(1) Countries where the struggle for religious liberty has resulted in certain conceptions of religious liberty:-

|               |                 |             |
|---------------|-----------------|-------------|
| North America | France          | Scandinavia |
| England       | The Netherlands |             |
| Germany       | Switzerland     |             |

(2) Countries strongly influenced by communistic theories: Russia and the border states where the Christian forces are in imminent danger of persecution by the overthrow of government. These include:

|         |           |        |
|---------|-----------|--------|
| Finland | Estonia   | Poland |
| Latvia  | Lithuania |        |

(3) The new and succession states where the rights of religious minorities and the laws for their protection are in question:

|                 |             |          |
|-----------------|-------------|----------|
| Czecho-Slovakia | Hungary     | Bulgaria |
| Austria         | Yugo-Slavia | Rumania  |

(4) Countries strongly dominated by Roman Catholicism:

|       |          |           |
|-------|----------|-----------|
| Italy | Mexico   | Peru      |
| Spain | Portugal | Argentina |

(5) Areas dominated by non-Christian religions:

|        |        |                    |
|--------|--------|--------------------|
| Turkey | Persia | Japan              |
| Egypt  | India  | Philippine Islands |
| Syria  | China  |                    |

This will involve the appointment of an expert in each country (or in a group of countries like the Central European states) to work up statements under the supervision of the director. This will be carried on by correspondence concurrent with other work.

b. Analysis of the present concepts, laws, and practices of the Roman Catholic Church.

|                   |                                |                 |
|-------------------|--------------------------------|-----------------|
| c. <u>Budget:</u> | An average expenditure of      | \$10,500        |
|                   | \$300 apiece for 35 countries  |                 |
|                   | A study of ecclesiastical law  | 1,500           |
|                   | Honoraria to church historians | 1,500           |
|                   | (Item b)                       |                 |
|                   | Contingency                    | 1,500           |
|                   | Total                          | <u>\$15,000</u> |

3. A study of expert opinion as to what are the results of the present system. It is expected that this will result in information pertaining to the practices necessary to secure religious liberty. (see suggestions in Appendix VI - Lebenstine's points)

a. These results will be secured by visitation of the director to various countries listed below, the holding there of conferences, and interviews among/with heads of religious groups (Christian and others) government officials and other leaders of public opinion. Groups are already at work in the United States, Great Britain, Geneva, Egypt, Turkey, India, China, Japan, and the Philippines, and will be available to the director for cooperation, collaboration, and coordination of results. It is expected by this means to get a consensus of the essentials of the practices necessary to protect religious liberty.

|             |                     |
|-------------|---------------------|
| Turkey      | - 3 weeks           |
| Egypt       | - 2 "               |
| Persia      | - 3 "               |
| Syria       | - 2 "               |
| Iraq        | - 1 "               |
| India       | - 4 "               |
| China       | - 8 "               |
| Japan       | - 3 "               |
| Philippines | - 1 "               |
|             | <u>8 1/2 months</u> |

Total: Near and Far East inclusive of travel 1 year

Europe:

|                   |                      |
|-------------------|----------------------|
| British Isles     | - 8 weeks            |
| Germany           | - 4 "                |
| France            | - 8 "                |
| Sweden            | - 4 "                |
| Finland           | - 1 "                |
| Succession states | - 16 "               |
|                   | <u>10 1/4 months</u> |

Total: Europe inclusive of travel 1 year  
 Total time required for all areas included 2 years

b. Personnel: 1 man for two years (in order to secure the best qualified man for the direction of this study it may be necessary to have his full time service for one year and part time for the second year with the help of an assistant director.)

|                    |                              |                 |
|--------------------|------------------------------|-----------------|
| c. <u>Budget</u> : | Director @ \$10,000 per year | \$20,000        |
|                    | Secretary @ \$2,000 " "      | 4,000           |
|                    | Travel @ \$10,000 " "        | 20,000          |
|                    | Conferences                  | 10,000          |
|                    | Contingency                  | 2,000           |
|                    |                              | <u>\$44,000</u> |
|                    | Total                        | <u>\$56,000</u> |

4. A sociological study of the factors and their historical setting contributing to the present situation regarding religious liberty. This will be done by intensive field studies in Poland and two states in the U.S.A. There will also be library studies of two European countries: (1) a highly centralized nationalistic country and (2) a country with an established church.



a. Personnel: An especially trained social investigator for Poland  
A social investigator for the U.S.A.

|                    |   |          |
|--------------------|---|----------|
| b. <u>Budget</u> : | Poland including all expenses                     | \$22,500 |
|                    | United States                                     | 17,000   |
|                    | Honoraria for two library studies at \$1,500 each | 3,000    |
|                    | Contingency                                       | 2,000    |
|                    | Total   | \$44,500 |

IX. PERSONNEL REQUIRED AND PERSONS SUITABLE FOR CHIEF POSITIONS:

A. Personnel:

1. A director who will be responsible for the entire study.
2. A church historian conversant with Roman Catholic history.
3. Experts in various countries to be secured for special pieces of work. (see VIII.B.2 and 4)
4. Sociologist with special qualifications to study Poland.
5. Sociologist ~~with~~ to make study in U.S.A.
6. Bibliographer with an adequate knowledge of languages and who has had experience in handling missionary, ecclesiastical and historical material.
7. Experienced cataloguer.
8. Secretary to travel with director.
9. Stenographer in New York office.

B. Persons suitable for chief positions:

1. Director: Prof. Francis B. Sayre, professor of law at Harvard, and at one time legal advisor to the Siamese Government, well acquainted with the Orient and with the problems inherent in the study of religious liberty.
2. Church historian:
3. Experts in various countries: to be selected by the director with the advice of the Institute and the Committee on Religious Liberty.
4. Sociologist with special qualifications to study Poland: Prof. Theodore Abel .
5. Sociologist to make study of U.S.A.: to be nominated by the Institute.
6. Bibliographer: Dr. John Barrow of the Yale University Library.

X. TIME REQUIRED:

- A. The study will require 3 1/4 years work of the director with short time for other staff members. This includes two years for the major studies with six months preparation and nine months for write-up.



B. There is urgency to begin this study as soon as possible.

XI. ESTIMATED COST:

|  |                  |
|--|------------------|
| Study 1.   | \$ 1,250         |
|  | 15,000           |
| Study 2.   |                  |
| Study 3.   | 56,000           |
| Study 4.   | 44,500           |
| Services of director for fifteen months over and above<br>the two years as indicated in Study 3. | 12,500           |
| Secretary to the director for additional fifteen months  | 2,500            |
| Books and documents  | 2,000            |
| Conferences in U.S.A.  | 3,000            |
| Conferences in England   | 5,000            |
| Office rent for 3 1/4 years  | 4,000            |
| Equipment  | 1,000            |
| Office supplies  | 1,500            |
| Publications   | 9,050            |
| Total  | <u>\$156,300</u> |

This will be covered entirely by the grant.

XII. BODIES OR GROUPS WHO WILL COOPERATE:

- A. This project will have the full cooperation of the International Missionary Council, and their constituent bodies (for list see Appendix VII)
- B. Officers of the major mission boards of North America have signified their willingness to cooperate. (see statements attached in Appendix VIII)
- C. Groups in various mission fields have expressed their need for such a study. (see Appendix IX)

XIII. NATURE OF PUBLICATION AND SIZE OF EDITION PROBABLY REQUIRED:

A. Nature of publications.

1. Annotated bibliography. This will make available in permanent form the references of most value for a general study of the question of religious liberty. It would be designed as a guide to the student of the question. It will contain about 200 entries and be about 50 pages in length.
2. A classified volume of information secured through the study VIII.B.2 and 3 in regard to the present situation in various parts of the world. This would be arranged by countries and condensed into brief factual statements.

It will be in form similar to the Statesman's Year Book and will constitute an easily available reference book of about 500 pages in length.

- 3. Major report of the project. This will contain in detail all of the material gathered in VIII.B.2 and 3. Edited by the director together with his own report, observations and recommendations. This will probably be a two volume report, each volume 500000 pages in length.
- 4. Sociological studies. Each of these studies will have special value and will therefore be published separately. They will be in the form of case studies and will carry whatever charts, statistics, graphs, etc., as may be needed. It is estimated that they will run in length somewhat as follows:

|                                    |            |
|------------------------------------|------------|
| a. Study of Poland                 | 150 pages  |
| b. Study in U.S.A.                 | 150 "      |
| c. Study of two European countries | 100 " each |

B. Budget:

1. Annotated bibliography

|   |            |        |
|---|------------|--------|
| Edition of 1000 copies  | \$300      |        |
| Cost of additional work in compiling and editing bibliography | <u>500</u> | \$ 800 |

2. Classified volume of data

|                        |       |
|------------------------|-------|
| Edition of 1000 copies | 1,750 |
|------------------------|-------|

3. Major report of the project

|                        |       |
|------------------------|-------|
| Edition of 1000 copies | 4,000 |
|------------------------|-------|

4. Sociological studies

Edition of 1000 of each of the following:

|                                      |              |
|--------------------------------------|--------------|
| a. Study of Poland                   | 750          |
| b. Study in U.S.A.                   | 750          |
| c. Studies of two European countries | <u>1,000</u> |
| Total                                | \$9,050      |

XIV. REASONS WHY THE INSTITUTE IS PARTICULARLY ADAPTED TO UNDERTAKE THE WORK:

- A. A study of this nature is fundamental to the work of all religious organizations but in this period when religious organizations are finding such difficulty in finance their own current expenses they are not in a position to undertake such a project. This study which a large group of religious bodies recognize as fundamental to their progress will not be undertaken unless by an independent organization like the Institute.

- B. The project has never been given the thorough scientific investigation which is called for in this study and it is felt that the Institute is peculiarly equipped both in staff and in accumulation of experience to handle a project whose size and scope would make it impossible for any single religious organization to handle.
- C. In asking the Institute to undertake this study it is believed that the results will command a wide acceptance because of their impartiality and scientific method.



Board of Foreign Missions  
25 East 22nd Street  
New York City.

Dec. 31: 1952

Received with Mary Kears  
for the opportunity of business  
C.M.C.

*A. L. Warnshuis*

R. E. Speer

# INTERNATIONAL MISSIONARY COUNCIL

Composed of the following Organizations

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NATIONAL CHRISTIAN COUNCIL OF CHINA  
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CEYLON  
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(UNITED STATES AND CANADA)  
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ISLANDS  
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MISSIONARY SOCIETIES OF SOUTH AFRICA  
SUOMEN LÄHETYSNEUVOSTO  
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Chairman: JOHN R. MOTT, 230 Park Avenue, New York City  
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A. L. WARNSHUIS, 419 Fourth Avenue, New York City

CABLEGRAMS: INTMISSION, NEW YORK  
MISSIONS CODE  
TELEPHONE: CALEDONIA 5-1271

419 FOURTH AVENUE  
NEW YORK, N. Y.

March 23, 1932.

*MHS*

Dr. Robert E. Speer,  
156 Fifth Avenue,  
New York City.

Dear Dr. Speer:

I thank you for your letter of March 19th with reference to our inquiry on the subject of Religious Liberty. I appreciate all of your suggestions and we shall give most earnest attention to each one of them.

I think you will be interested in the enclosed copy of a letter which I have just received from Prof. Wright of the University of Chicago as he comments on the notes of our last meeting.

I wonder whether you have had time to read the minutes of the 21st Mandates Commission. In the conditions that the Commission is proposing in connection with the emancipation of Iraq, they have laid down a number of provisions to guarantee religious liberty and freedom of conscience that ought to be universal in their application. These guarantees are to be with the League of Nations which is charged with the obligation of seeing that they are fulfilled. Any member of the League can raise with the council at any time the question regarding these obligations. It is not clearly stated what the procedure would be in the case of non-members of the League and it may be that these provisions ought to be included in a special treaty with our own government if and when Iraq becomes an independent nation. I am wondering whether the United Mission in Mesopotamia has given consideration to these questions and whether it might not be desirable to discuss this question with the State Department. I shall be glad to go into fuller detail with reference to the question if that is desirable.

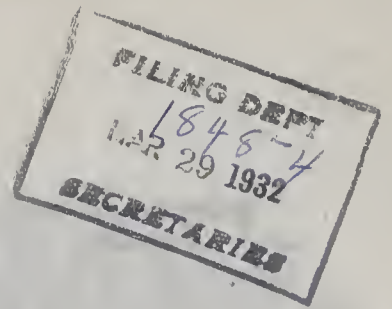
Yours very sincerely,

*A. L. Warnshuis*

ALW/MHS  
Enc.

C O P Y

THE UNIVERSITY OF CHICAGO



Norman Wait Harris Memorial Foundation  
in International Relations

March 17, 1932.

Mr. A. L. Warnshuis  
419 Fourth Avenue  
New York, N.Y.

Dear Mr. Warnshuis:

I read over the notes of your meeting and Professor Hocking's article with interest. In general I agree with Professor Hocking's conclusions that it is better to persuade than to appeal to a right, and that the only available foundation of right which can now be presented with effect is pragmatic. And further, that in the practical situation, appeals to right should be only used when based upon accepted international agreements.

As to his arguments I would not start from the conception of right but from the conception of social integration. Anthropologists are inclined to say that among primitive societies all institutions have the purpose of promoting social solidarity. There is no such thing as individual liberty in primitive society. The progress of civilization permits the gradual emergence of a sphere of individual liberty because society has become strong enough to afford it. But even in advanced societies individual rights are the products of the law recognized by society, rather than the reasons for the society. The individualistic philosophy of the eighteenth century was a reversal of the actual historical fact. Jurists recognize the conception of right which I have given here, and I have discussed it more in detail in my book on Mandates Under the League of Nations, pages 286 - 288.

The entry of new ideas emphasizing individual liberty are always dangerous to the existing scheme of social integration. They always tend to result in disintegration and distress. They may bring eventual advantage in permitting a new integration which allows of greater individual initiative, happiness and social energy, but from the standpoint of the existing social integration they are always dangerous. Thus the question of what should be the attitude of society toward the entry of new ideas is a pragmatic one. A society must balance the prospect of eventual gain, by the dangers of immediate disintegration, and this is not an absolute question but relative to the existing institutions of social solidarity. I think the question would always have to be answered in a quantitative ways, that is, how rapidly can society permit new ideas to enter. I may point out that there is a certain analogy between this conception and the quantitative conception in regard to immigration which our own laws have now adopted. My answer would be that the society itself is best able to judge, that therefore no pressure should be brought upon any society to admit new ideas, that it should simply be given the opportunity to invite them as rapidly as it sees fit. At an earlier stage in the world this policy might have resulted in no contact by some countries <sup>with</sup> foreign cultural ideas and in stagnation, but at present no society can keep out foreign ideas altogether. It will hear of their existence and therefore the plan I have suggested would not prevent progress. I was greatly impressed by the ideas expressed by Dr. Johnson, particularly on page 4 of the notes of the meeting of January 26.



It seems to me that what is needed is sociological studies of missionary activity in various parts of the world from the standpoint of its effect in disintegrating the society on which it impinged, and the ascertainment of the relation, if any, between the quantity and character of the missionary activity and the speed of such disintegration. This might give a basis for estimating the amount and kind of missionary activity which a given type of community can permit within itself without risking catastrophic disintegration. That amount and kind might suggest the limits of the right of religious liberty within that community and would thus make possible at the end of the study, as Dr. Johnson suggests, a satisfactory paper on the idea of religious liberty.

Sincerely yours,

(Signed)

QUINCY WRIGHT.

575

*Ester Strong*  
INTERNATIONAL MISSIONARY COUNCIL

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KOREAN NATIONAL CHRISTIAN COUNCIL  
COMMITTEE ON COÖPERATION IN LATIN AMERICA  
NEAR EAST CHRISTIAN COUNCIL  
NEDERLANDSCHE ZENDINGRAAD  
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A. L. WARNSHUIS, 419 Fourth Avenue, New York City  
Assistant Secretaries: MISS B. D. GIBSON, MISS D. H. STANLEY,  
MISS E. STRONG

419 FOURTH AVENUE  
NEW YORK, N. Y.

December 7, 1933

Dr. Robert Speer  
Presbyterian Board  
156 Fifth Avenue  
New York City

My dear Dr. Speer:

According to the recommendations of the Committee on Religious Liberty, Miss Miller has reorganized the material on Religious Minorities in the Near East. Her paper is now in three sections.

- Part I - Introductory Comments, a copy of which I enclose herewith;
- Part II - Documents; and
- Part III- Appendices with supplementary material.

As you have already had the documents in the first draft prepared for the Committee last Spring, I am not sending you those or the Appendices.

May I ask you to read the enclosed paper with care and send me your opinion on the following questions:

1. Should this paper be printed with the documents?
2. If so, should there be any changes made in it?
3. Under what auspices should it be published? Will it embarrass people on the field if it is published by the International Missionary Council?
4. If you do not think the introduction should be published at all, should the Documents be printed? If so, under what auspices? In that case should the introduction be mimeographed and circulated?

May we have your answer to these queries at your early convenience? Unless there is radical disagreement as to the publication of the paper it will not be necessary to call a meeting on the subject. We would therefore welcome your full comments and criticism.

Very sincerely yours,

*Ester Strong*

E. Strong

ES:H

RELIGIOUS MINORITIES

INTERNATIONAL, CONSTITUTIONAL AND OTHER LEGAL GUARANTEES

W. W. Speer

IN THE NEAR EAST

DEC 8 1933

~~Am.~~

Compiled by

Helen Clarkson Miller



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Religious Liberty in International Law and Treaties by Norman J. Padelford.

Origin and Purpose of the Minorities Treaties, (Extracts from Report of the  
Committee Instituted by the Council Resolution of March 7, 1929,  
Document C.C.M. I, in Series of League of Nations Publications, I.B.  
Minorities, 1931, I.B. 1.)

Summary of points omitted from the legal texts under consideration.

Resumé of the Situation in regard to Personal Status in the Lebanon.

Bibliography.



## PREFACE

This study of the international, constitutional and other legal guarantees of the rights of religious minorities in the Near East presents a situation which not only underlies the religious life of the countries concerned but is also bound up with the developments of the present day along legal and political as well as humanitarian lines. It was made under the auspices of an informal committee, presided over by Professor Joseph P. Chamberlain of Columbia University, who recognized the need of further study of the general subject of religious liberty. Their specific interest in the guarantees of freedom of belief and action has given a definite direction and has set certain limits to this presentation of the subject. The Committee have not passed upon the facts presented with regard to their accuracy. The compiler and editor alone accepts full responsibility for them as well as for the views expressed. The material was prepared for the consideration of the Committee, who decided to give it wider circulation.

Growing out of a genuine need for information as to existing legal regulations in the Near East, this pamphlet gives the fundamental law affecting religious minorities in the countries formerly a part of the Ottoman Empire, with the exception of those in the Arabian Peninsula. Certain legal provisions and official pronouncements, some of them not hitherto published outside of the countries affected, are also included. All are copies of authoritative documents or excerpts from such documents. Citations are made from international instruments which guarantee protection to religious minorities. These have been quoted regardless of the religion of the minority in question. The documents are supplemented by a few explanatory notes given in the introduction for the benefit of those who are interested but who lack the time necessary for a detailed study and comparison of the legal texts.

To serve the purpose of this study the guarantees of protection for religious minorities only, and the laws affecting them, have been mentioned in so far as it is possible to do this without quoting also the provisions in regard to racial and linguistic minorities. In a number of cases all are mentioned together in the same clauses. The problems overlap, and are to some extent inseparable.

While for the sake of brevity only those clauses in the Minorities Treaties which refer specifically to the religious minorities have been quoted, as illustrative not only of the principles under consideration, but of the phraseology used, it is of course true that these treaties as a whole are applicable to religious as well as to racial and linguistic minorities. As to arrangement, instead of separating the international from the constitutional guarantees, the mandate, where one exists, and the organic law governing the country have been placed together for convenient reference.

The following topics are those with which this study is chiefly concerned; freedom of conscience and of worship, civic equality of citizens granted without regard to religion, freedom of an adult to change his or her religion and to declare it by change of registration, inheritance as affected by change of religion, Parliamentary representation of religious minorities. The provisions with regard to right of religious communities to establish and maintain schools, State religion, control and administration of the Wakfs and other religious endowments, freedom of speech, freedom of the press, and the right of assembly are also given. In regard to change of religion and inheritance as affected by that change, any legal provisions known to exist in any of the countries under consideration are placed in the sections under those headings. If no law other than the Moslem law appears from a country included in this survey, in regard to change of religion or to inheritance as affected by that change, it does not exist at this time except possibly in the case of Latakia, the Djebel Druse, Transjordan, or the Sudan, about which information is not complete.



This survey does not cover the entire field of law for the protection of religious minorities even in the geographical area of the Near East to which it draws special attention. There are important topics which are not fully dealt with. The News Bulletin of the Near East Christian Council of June 1932 raises certain questions in regard to the effects of the Palestine Change of Religious Community Ordinance, such as the question of marriage and divorce, and the status of children of converts, to which no answer has yet been given. Slight attention has been paid in this memorandum to education as carried on by the religious communities, or to the special status of women, and none at all to the status of foreign organizations interested in the religious minorities and in education. The subject of education as affecting religious minorities is introduced only as it is mentioned in constitutional guarantees. No attempt has been made to include specific legislation on this subject. The same thing is true of other points mentioned above, such as the rights of women who are not always included by law in the rights granted to men, but have a special status in most of the states in the Near East. The legal existence of polygamy adds to the importance of laws regulating domestic relations and personal status. The rights of foreigners are not discussed although their religious activities often have relation to the religious minorities. This memorandum deals only with provisions affecting the nationals of the countries concerned, not with the laws affecting the nationals of foreign powers.

Part of the material was collected during a recent visit to the Near East made primarily for other purposes. Some of the gaps in the information given are due to the fact that the study in its present form was undertaken and completed after the compiler returned to the United States. In the case of some countries it has not been possible to obtain the authoritative information, in others certain legislation is lacking. In regard to the entire area much further study could profitably be undertaken. For example it would be interesting to see excerpts from the constitutional provisions of various western nations in regard to religious liberty and



freedom of conscience printed with the legal enactments by which these provisions are implemented, and with those affecting the Near and Far East. While the legal provisions would not present a complete picture of the difference between the East and West, such a comparison would help to clarify the situation and would be a step towards that reciprocity which should eventually exist and for which there is a growing demand. A special study by an expert in the Sharia law, which would furnish exact information as to the jurisdiction of the civil courts in comparison with that of the canon courts in the various countries in the Near East, would also be of interest. The present pamphlet should be regarded as only an introduction to the study of the legal situation and of the protection of minorities in the Near East.

It would not have been possible under the circumstances to obtain all of the documents which form the basis of this study without the help of a number of people in the several countries mentioned. Thanks are due to those who aided by suggestions and by reading the material, as well as to those who helped to gather first hand information, for their kind and willing collaboration. Many have aided by the way in which their personal experience has illustrated the general situation. Christians, Moslems, Jews, Druses; men and women; nationals and foreign observers of various nationalities, administrators, national and foreign, have given of their time, their knowledge and their wisdom. It is to be hoped that the result of assistance so generously accorded may in its turn be of use.

According to the best information obtainable, the legal provisions quoted are in force at the present date. Should there be modification of any of these legal measures, should they be superseded, or should new legislation or decrees come into force, it would be helpful to all countries if such changes in any country could be reported by those who observe them to Dr. Chamberlain's Committee through the International Missionary Council, 419 Fourth Avenue, New York City.

Part I.

NOTES ON THE PROTECTION OF RELIGIOUS  
MINORITIES IN THE NEAR EAST



## PART I.

### NOTES ON THE PROTECTION OF RELIGIOUS MINORITIES IN THE NEAR EAST

#### I. INTRODUCTION

##### New System of Guarantees.

At the end of the Great War the principle of "self determination of peoples" was acclaimed. A number of new frontiers were drawn with the ethnic, linguistic and religious inheritance of the population in mind. However, borderland territories and enclaves remain in many places containing groups of people of a race, language or belief different from that of the majority of the population of the country under whose government they live. In most cases each such group is separated by a frontier from a larger national group to which it is drawn by natural affiliations, which in turn regards it with special interest. It is interesting to note that the Assyrians and the Jews are exceptions to this general rule. The Assyrians have no racial religion or linguistic affiliation in their ancient homeland. The Jews have racial affiliation in many countries but no one national group to which they turn. With the desire to reduce the causes of friction between nations having such inflammable material near their borders, an effort was made to devise a system of protective guarantees for these racial, linguistic and religious minorities.

The League of Nations was the agent selected for their protection. The special obligations accepted since the War by certain States for the protection of racial, linguistic and religious minorities within their territory are recognized not only as part of the fundamental law of those States but also as obligations of international concern, undertakings which have been placed under the guardianship of the League of Nations. It was hoped by these means to avoid the danger of interference by one signatory of a treaty in the internal affairs of another and to establish a court of international appeal with reference to minorities. The new system of guarantees, heading up in the League of Nations, consists of the post-war Minorities Treaties, certain clauses of the Treaties of Peace, Declarations of policy made upon

entrance into the League of Nations, and the Mandates. The minorities in all the countries included in this survey with the exception of Egypt, are under the protection of international agreements infraction of which may be referred to the League of Nations. Turkey is a party to the Treaty of Lausanne, Iraq made a Declaration before the Council on entering the League, and the other territories are still under mandatory regime.

The establishment of minorities Committees charged with the duty of receiving petitions and reporting upon them to the Council of the League and the formation of the Permanent Mandates Commission are important parts of the new procedure. The right of petition and complaint on the part of individuals or of States which are parties to the agreements, through the members of the Council, even granting the unwillingness of these last if not directly concerned to enter wholeheartedly into such a controversy, and granting the difficulty of decisive action and redress of grievances by the League of Nations, still has a tendency to push forward the frontiers of tolerance and personal liberty of conscience and action. The question formulated by the Permanent Mandates Commission for the guidance of the Minority Powers in presenting their annual reports as well as the Minutes of the Session of the Commission conferred ample evidence of the disinterested and effective service rendered by the Commission to the minority groups.\*

While there has been considerable discussion of the possibility of a general treaty binding all countries in regard to the protection of minorities, no such instrument has been formulated. The Assembly of the League of Nations in 1933 expressed a hope amounting to an expectation that all countries will observe voluntarily the high degree of justice and tolerance required of their signatories by the existing treaties, no stronger resolution, having been possible because of the adverse opinion of the German delegation.\*\* This illustrates both the growing

\* See Resolution of the Third Assembly of the League of Nations, adopted 1922, page .

Also, Resolution of the 14th Session of the Assembly of October 1933, page .

\*\* October 1929 INTERNATIONAL REVIEW OF MISSIONS, article by T. B. Friis on Mandates and Missions.



insistence on the doctrines of equality of sovereign states to which evidence has been given by the formation of the Parliament of the World in the Assembly of the League of Nations, and the increasing attention being paid in international law to the protection of the right of man expressed not only in treaties and conventions but in the activities and procedures established by the International Labor Office and by several sections of the work of the League of Nations.

Formerly the Great Powers who were parties to the treaties protecting minorities were able to decide for themselves when and for what cause they should intervene on behalf of the Minorities. As the League of Nations Secretariat states, "the protection of racial, linguistic and religious minorities in the sphere of international law is not an innovation introduced by the treaties concluded at the end of the Great War. Diplomatic history affords numerous examples of treaties containing special clauses which aim at providing certain guarantees for groups of the population of a different race, language or religion from that of the majority of the population of the State to which they belong. It was generally left to the signatory States to supervise the application of these guarantees, and they were responsible for taking any diplomatic measures that might be necessary to see that the stipulations of these treaties were respected. In fact, this system conferred on the Great Powers a sort of right to intervene in the internal affairs of certain States - a right which could, on occasion, be used for purely political ends."\*

In discussing this question the League Secretariat defines the minorities as follows: "..... in accordance with these provisions minorities consist of those nationals who belong to a different race or religion, or speak a different language from the majority of the population. The system therefore does not affect either foreigners living in a country, the majority of whose population belongs to a different race, religion or language from their own, or nationals of the country

\* League of Nations Secretariat; The League of Nations and the Protection of Minorities of Race, Language and Religion, page 5.



belonging to minorities other than racial, religious or linguistic minorities, such as social or political minorities, etc."\*

Peace Treaties and Minorities Treaties.

With the exception of the abortive treaty of Sevres and the later treaty of Lausanne, the peace treaties and the post-war minorities treaties refer to groups within European states. The clauses affecting these minorities provided the models for some of the provisions included in later international instruments concerned with territories in the Near East. The position of minorities, racial and linguistic as well as religious, is of peculiar interest in Europe in the year 1933, an interest which has repercussions in parts of the Near East. For those concerned with the Near East it is also interesting to note that some of these treaties contain specific reference to the protection of Moslems as well as of Jewish and Christian minorities.

Declarations

In addition to treaties providing protection for minorities there are solemn declarations of policy in regard to freedom of conscience and of worship and in regard to the minorities within their borders made by certain States before the Council of the League of Nations as part of the formality of their admission into the League, these declarations of which the declaration of Iraq is one, being so worded as to constitute undertakings of recognized international character.

Mandates.

The colonies formerly under the sovereignty of Germany and Turkey were placed after the War under the new mandatory system of government. The mandatory Powers were made responsible to the League of Nations for the welfare of these territories under the terms of separate mandates, which contain clauses in regard to freedom of conscience and to the protection of minorities.

\* League of Nations Secretariat; The League of Nations and the Protection of Minorities of Race, Language and Religion. Page 6.

### Bi-lateral Treaties

In addition to this system of international guarantees there are other instruments such as the bi-lateral Treaties of the United States with the Mandatory Powers, which deal with the question of religious liberty and the protection of minorities. In this connection the memorandum on "Religious Liberty in International Law," by Norman J. Padelford,\* should be read. The present study is concerned, first with multi-lateral international guarantees, and second with the domestic legal situation affecting nationals in each of the countries considered.

### Legal Provisions versus Social Attitudes\*\*

It is of course recognized that the legal status does not fully represent the situation. Social attitudes, as has been proved true recently in the United States of America in a field entirely different from that of religion, are not always in agreement with existing law. However, established constitutional guarantees or legal procedures with regard to minorities form a crystallization of what at least appears to be possible, and provide a fulcrum for leverage in cases of proved oppression.

In general, in the Near East, constitutional law is changing more rapidly than is public opinion, and there has been some delay in implementing the constitutions by providing legal procedure. This is the case in regard to change of registration, with regard to religious community, for example, both in Egypt\*\* and in Syria.\*\*\* In Turkey a complete secularization of government has taken place, due to

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\* See Page .

\*\* In general, and unless otherwise stated, the following comments are intended to refer to the Near East.

\*\*\* Egypt and Religious Liberty, p. 540, International Review of Missions, October 1933.

\*\*\*\* See Minutes of the 25rd Session of the Permanent Mandates Commission, page 135-138. League of Nations Document C. 406 M. 209. 1933 VI.



the ideas of the leaders, which have a distinct effect on public opinion but are, generally speaking, in advance of it. In the Lebanon, Palestine, Iraq and the Sudan, local conditions together with the influence of the Western Powers, have brought about local legislation affecting the religious minorities which is generally accepted, although with reservations on the part of certain groups, its implications very probably not being clearly grasped by the population as a whole.

The interpretation and administration of existing law is tempered or colored by the general attitude of the population as well as by that of the central authority, which is usually representative of the entrenched majority so far as religion is concerned.\* This is illustrated by the way in which the clause guaranteeing freedom of conscience is interpreted. There are differences in each of the countries considered in this memorandum in the interpretation of the highest law of the land, which in every case guarantees entire freedom of conscience. These differences are due, first, to a lack of agreement as to what freedom of conscience does or should entail, and second, to differences of administrative interpretation based on a fundamental difference of purpose or desire. It is of course true that differences of interpretation are not confined to the Near East. They exist as between the East and the West, and also among authorities in both Orient and Occident.

The drift toward secularism noticeable throughout the world, and the consequent growing indifference in regard to religious beliefs and religious observances to be found in many adherents of all faiths in all countries of the world, tends to bring about a more tolerant attitude in these predominantly Moslem countries of the Near East; the increasing contacts of one part of the world with another in their effect on provincial tenacity of tradition and fear of the new and different, also make for tolerance and for more ready acceptance of new customs and new ideas.

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\* Egypt and Religious Liberty pp. 530-548, International Review of Missions October 1933.

Secularism and worldly wisdom do not, of course, afford fruitful soil for the growth in numbers of religious minorities. Indeed, they make a drift to the majority more likely, since their influence is apt to be cast in the scale in favor of apparent self-interest rather than of devotion to principle. They may in time, however, help to solve some of the problems of the minorities since the tolerance and indifference they engender will make it easier for nationalism and a common citizenship gradually to become a common denominator for members of all religions in a country. The separatism of religious prejudice may thus be lost in a form of patriotism.

On the other hand the inherited and general identification throughout the Near East of religion with nationality, due to the history of the past, has been one cause, in a period of rising and intense nationalistic feeling, of increasing animosity toward persons leaving the community of the majority to join a religious community now in the minority. This is aggravated when the interest in these minorities of powerful Western nations appears to the nationals to be based upon political as much as upon religious sentiment.

Warring political factions within a national group may also affect the religious situation. According to statements in the press, the violent outbreaks in Egypt directed against missions and their propaganda, and against converts from Islam, rather than against the minorities as such, may have been motivated more by fear of loss of power on the part of some of the leaders, and by political objectives, than by true religious fervor. The accusation that a political party is disloyal to Islam makes a telling point, and has been used as a political slogan by each party against its opponents. Proof of loyalty by criticism of the unbelievers and by raising difficulties for them may thus become a political activity. It must, however, be remembered that intense feeling in regard to "renegades" is rooted deeply and sincerely in the tenets of Islam.

The basis of the difficulties in Iraq with the Assyrians is said to be fear on the part of the Government of the formation of a compact group of sturdy warriors and desire to avoid the military and political problems which their settle-



ment as a unit would involve, rather than persecution from religious motives. Fundamentally, however, the difficulty of absorbing the Assyrians is due to their differences from their new neighbors in religion as well as in race and liturgical language. And unlike most minority groups, the Assyrians have not friends but foes across the frontier in their old home.

The root of the difficulties in Palestine is only partly religious and nationalistic. It is largely economic in nature.

The secularization of the law which has taken place in Turkey and which has been attempted from time to time in some of the territories under mandate, plays its part in the development now taking place in the relationship of the citizen to his state and to his religious community. This whole question is one of great importance. The documents quoted and some of the accompanying comments, especially in regard to the Lebanon,\* indicate the conflict between tradition and the modern tendency to extend the jurisdiction of the civil courts. Another chapter in the story of the development of Civil law, and the growth of its independence from the Canon law is being written. It is not to be expected that this evolution will be completed immediately. Centuries were needed for this development in England and in Europe. Custom should not blind the western observer to the analogous though not contemporaneous situations in the West and the East. Historical perspective should increase patient and sympathetic understanding of the genuine distress of the conserver of traditions. True, this is sharpened by self-interest in the preservation of the status quo, but a gradual development rather than an upheaval is to be preferred, and in this field the French Mandatory authority for instance is proceeding prudently as will be seen.

Law in its enactment and especially in its observance reflects social attitudes. Consequently there is encouragement in spite of the lag in social attitudes, in the recent liberalization of the law throughout the Near East. There are leaders who believe in it. The public temper at the end of another generation, if the present

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\* See Appendix 4, p. .

development continues, will be that of the advanced leaders of today. Since the impetus toward democracy and the development of the Civil law in these Near East countries has come very largely from without, it is only to be expected that at present the law should lead, rather than express general public opinion.

## II. COMMENTS ON THE DOCUMENTS

The following notes are included for the assistance of those studying the documents which will be found in Part II of this pamphlet. In comparing the texts certain interesting facts will be observed. For example, so far as can be learned the topics with which this subject is chiefly concerned are not mentioned at all in some of the legal texts contained in this compilation. To illustrate, in the Mandate for Syria and the Lebanon no mention is made of freedom of speech, freedom of the press, or of the right of association, these details being omitted from the A. Mandates. In the Constitution for Syria no mention is made of freedom of association. In Egypt no procedure is provided for change of registration except change to Islam. In the Palestine Order-in-Council of 1922 no mention is made of freedom of speech, freedom of the press, or of the right of association. A statement of these omissions in full will be found on page            of this pamphlet. A careful study of these points is rewarding.

### Section I - International and Constitutional Guarantees with special reference to the Near East.

#### Covenant of the League of Nations

In the Covenant of the League of Nations "freedom of conscience and religion subject only to the maintenance of public order and morals" is mentioned only in paragraph 5 of Article 22, referring to the peoples in Central Africa and other countries now known as the B mandates, and the phrase whatever may have been the intention does not appear to apply to the Mandated Territories formerly belonging to the Turkish Empire described in paragraph 4 of Article 22.



### Mandates

The guarantees actually existing in those countries are therefore of special interest to us. In Syria, the Lebanon, Latakia, the Djebel Druse, Palestine and Transjordan these are contained in the terms of the mandates, and also in the Organic Law for the mandated territory as formulated and promulgated by the Mandatory Powers. The existence of these guarantees sets a standard for all countries administering protectorates or colonial possessions.

#### Syria and the Lebanon

To the general public all the countries in the Levant under French mandate are covered by the name of Syria. It must be borne in mind, however, that although there is a Conference of Common Interests which was created to assist the Mandatory Power in examining and regulating financial and economic questions common to the states under French mandate, its activities are confined to a strictly limited sphere, and as a matter of fact this territory has been divided by the Mandatory Power into four parts - the Lebanese Republic, the State of Syria, (including the autonomous Sanjak of Alexandretta), the Government of Latakia, and the Government of the Djebel Druse. Although all four are under French Mandate, each of these political units has its own constitution or Organic Law, the terms of which differ slightly in regard to religious freedom, as can be seen by a comparison of the texts. While the Sanjak of Alexandretta has a certain degree of administrative autonomy, it is a part of the State of Syria, and the Constitution of Syria applies equally to Alexandretta.

Possible End of Mandate. Since the termination of the mandate in Iraq, now an independent sovereign State, there has been much discussion of the possibility of the termination of the French mandate in the Levant. For the purpose of the present study this is of interest only because of the possible terms of the agreement under which the change would be accomplished. The plan of the French Republic has been apparently to enter into a treaty with the State of Syria and to terminate that mandatory relationship, leaving the Lebanon, Latakia and the Djebel Druse to be dealt

with later. This plan to terminate the mandates step by step is opposed by some members of the Permanent Mandates Commission, by Italy and Germany in the Council of the League of Nations, and by the Syrian Nationalists. The project has not yet taken the form of a recommendation to the Mandates Commission and to the Council of the League of Nations. It may be assumed that in the termination of any mandate the procedure laid down by the Permanent Mandates Commission and the Council, and followed in the case of Iraq, will obtain. An outline of this procedure, so far as the protection of minorities is concerned, is found on page of this pamphlet and includes the Declaration made by Iraq before the Council.

Suspension of Constitution. The Parliamentary government of the Lebanon was suspended by order of the High Commissioner on May 9, 1932, in terms which indicate that this affects only the exercise of the executive and legislative powers. This suspension could not affect the constitutional guarantees of minorities from the legal point of view, since the Mandate remains in force. The French interest in the Christian minority is traditional, dating officially from 1604 when the first capitulation was concluded between Henri IV and the Sultan.

#### Palestine and Transjordan

Mandate, Order-in-Council, Agreement. Article 24 of the Mandate for Palestine made it clear that the Balfour Declaration in regard to the Jewish National Home was not deemed applicable to the territory included in the mandate lying East of the Jordan, and that within the framework of the British Mandatory regime, the region known as Transjordan was to have a separate Administration. The Order-in-Council of 1922 which established the Government of Palestine provided for the delimitation of Transjordan with reference to Palestine, and the Amirate of Abdullah, brother of the late King Feisal of Iraq, was recognized and established by the Agreement between His Britannic Majesty and His Highness the Amir Abdullah, dated February 20, 1928. The Amir had formed a central administration for Transjordan on his arrival at Amman, April 1921. The legal actions above mentioned did not, therefore, create the situation,



but recognized one already existing.

Transjordanian Law. As is true in all of these countries except, oddly enough, Turkey, which has adopted a legal system based on the Swiss, German and Italian Codes, Turkish and therefore Moslem law of the Armistice year is the law of Transjordan, except in the cases in which it has been expressly superseded or modified. In each country mentioned in the pamphlet there have been modifications favorable to the minorities since the Great War.

The official language in Transjordan is Arabic. The laws of that country are quoted in a careful translation, whose author refers to the Official Gazette in Arabic as giving the only authoritative text. Recently information received from the Mandates Section of the League of Nations was to the effect that the only accurate translation of the Organic Law of Transjordan was one made for an Italian publication. Italians exhibit constant interest in Near Eastern affairs and many well-informed articles about the Near East are written in Italian. It may be of interest to note in passing that from Mr. Giannini's volume, published in 1931,\* containing in Italian the constitutions of all these countries, comes the information that in the constitution of the Hedjaz it is set forth that the Hedjaz is a Moslem State, administered according to the provisions of the Sharia law.

### Iraq

Constitution. The objection on the part of the Iraqi to the term Mandate, as well as to the idea conveyed by the term, led to the implementing of the mandate in Iraq by means of a treaty between Great Britain and Iraq, signed October 10, 1922. This mandate came to an end in 1932 with the admission of Iraq to the League of Nations as an independent sovereign state.

Article 80 of the Constitution of Iraw is of interest in comparison with the ordinance known as the Succession Ordinance in Palestine.\*\* In regard to the

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\* See Bibliography p.

\*\* See p. (Documents)

law foreshadowed in Article 80, according to reliable information, the first sub-Article is implemented by the application, so far as is possible, of the procedure and fees of the Civil Courts, which are prescribed by law. No modification, either generally or specially in regard to particular sects, appears as yet to have been found necessary. No special legislation such as is vaguely indicated by the second sub-Article has been formulated.

Nothing was done at the time of the entry of Iraq into the League of Nations either to affect the Constitution or to throw on Iraq the duty of amending the Constitution. The Constitution therefore, stands unaffected in any respect by the Declaration or by the new status of Iraq.

Declaration of Iraq. From the minutes of the Permanent Mandates Commission it appears that the original suggestion in regard to the Declaration to be made by Iraq on its admission to the League, was that it should be similar to the Declaration made by Albania.\* The Iraqi Declaration omits the phrase "they will have the right to change their religion" which is contained in the Albanian agreement. The Iraqi Declaration, however, goes further than the Albanian in the stipulations contained in Article 7 and Article 15.

### Egypt

The Four Reserved Points. In the Declaration to Egypt, under date of February 28, 1922, by which His Majesty's Government set forth their desire and intention to recognize Egypt as an independent State, the protection of minorities was one of the four points "absolutely reserved to the discretion of His Majesty's Government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's Government and the Government of Egypt ..... Pending the conclusion of such agreements the status quo in all these matters shall remain intact."\*\*

\* Minute, 19th Session Permanent Mandates Commission, p. 96. Minutes 18th Session Permanent Mandates Commission, pp. 173-174.

\*\* H. M. Stationery Office, Correspondence respecting affairs in Egypt Cmd. 1592. Enclosure 2 in No. 35, Page 29, Declaration to Egypt.



In 1929 His Majesty's Government through the then Foreign Minister, Mr. Henderson, stated that in future the British Government would regard minorities in Egypt as the exclusive concern of the Egyptian Government, this action being taken on the assumption that the Egyptian Government would make religious liberty a reality and give exact and effective guarantees for the protection of minorities.

Constitutional Guarantee. The present situation in Egypt to which reference has been made on page six, not only indicates the need for implementation of the Constitutional guarantee of "absolute liberty of conscience" by the establishment of legal procedure for change of registration, and brings fresh realization of the need for an accepted interpretation of the phrase "freedom of conscience", but again emphasizes the important part played by public opinion in these discussions, which touch the most deeply rooted emotions of mankind.

#### Turkey

Constitution. The Turkish Constitution of 1924 contains the statement, "The religion of the Turkish State is Islam". This phrase was deleted from the Constitution of the Republic by Parliamentary vote on April 10, 1928, thus effecting in a Constitutional manner the separation of organized religion from the State.

#### Section II - Regulations with respect to change of Religion and Change of Registration.

The question of the freedom of individuals to change from one religion to another has an immediate importance due first to the fact that there are cases now awaiting decision of persons who desire to change their registration from Islam to that of Christianity but who find no legal machinery they can employ; and second to the recent discussions in Egypt. Change from Christianity or other religion to Islam is not difficult.

In former Turkish territory, as has been mentioned with reference to Trans-jordan, unless it has been specifically abrogated by later legislation or official decrees, the common law of the former Ottoman Empire would seem to obtain. In this

law as commented upon by George Young, in his "Corps de Droit Ottoman" there is a special chapter treating of change from one religion to another.

A comparison of the provisions cited will show that Ottoman law provided an established procedure for change from Christianity to Islam; while for change from Islam to Christianity no procedure was established. There was merely an understanding, dating from 1844, that the death penalty decreed for apostates from Islam would not be inflicted. In the Lebanon, Iraq, Palestine and the Sudan, decrees or orders have superseded this Ottoman Law and are, therefore, of special interest. Information as to Transjordan is not yet available. While information as to Latakia and to Djebel Druse is not available, to judge by occurrences in Latakia there is no provision there for change,\* and this is probably though not certainly true of the Djebel Druse also.

Parliamentary Representation. It is necessary to keep in mind the identification in former Turkish territories of religion not only with law but with civil and political rights and activities. All persons are registered according to their religion, and in the countries where each religious community has a designated number of representatives in the national legislature this registration has a special importance. Consequently, declared change of religion is accompanied by change of registration, indicating a change of personal status.

The Constitutions of the Lebanese Republic (now suspended), of the State of Syria, and of the Kingdom of Iraq stipulate that there shall be a representation of religious minorities in their Parliaments, and there is legal provision for such representation in Transjordan. So long as there is danger that the minorities may not have justice done them, these guarantees are no doubt necessary. And yet their existence serves to perpetuate the identification of religion with politics. Egypt and Turkey have no such provisions in their Constitutions. Owing to the lack of cooperation of the Arab population with the Government, no parliamentary form of

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\* See petition for Latakia, Minutes 23rd Session, Permanent Mandates Commission, op.cit. pp. 176, 177, 194.



government exists in Palestine. According to the Press discussions as to the formation of a legislative council are under way. Latakia and the Djebel Druse are under the direct supervision of the French Mandatory power through their civil and military governors, and therefore have no parliaments.

The Senate of the Lebanon Republic was suppressed in one of the revisions of the Constitution. According to the present (suspended) Constitution which may be revised before the suspension comes to an end, the communities are represented in the Chamber; there is no vote according to Communities, but the lists which are presented to the voters, no matter what their religion, must contain a certain number of members of the different communities, in proportion to the number of adherents of each one of the Communities.

The same system is in force in Syria. Although this may seem to be unusual in a modern state, this system is so in tune with the spirit of these countries, that it has never been seriously questioned even by the extreme nationalists or by the partisans of complete occidentalization.

The representatives of the minority in the Syrian Chamber number twenty, mostly from the religious communities (Christians of various sects and Alouites); and some representing linguistic minorities (Kurds and Turks from the north), but the religious communities alone have organized representation. The linguistic minorities are represented, however, in the sandjak of Alexandretta, because that district is to a considerable extent autonomous. As the majority is Turkish-speaking the autonomy has the indirect result of representation of a linguistic minority.

Religious affiliation in these countries is of importance in a number of ways. The members of religious communities are subject to the jurisdiction of the courts of that community, in certain cases. Under the supervision of Occidental countries in the mandated territories, these cases are becoming more clearly defined, all of which emphasizes the importance of correct registration with the civil and religious authorities. One curious fact is that it seems to be assumed that each

citizen belongs to one of the recognized sects or religions. There appears to be no provision for the registration of the avowed atheist, or anti-religionist.

In the Report of the French Mandatory Power for Syria and the Lebanon to the League of Nations in 1926 (page 60) the following important note appears: "Religious Freedom. An Ordinance of the High Commissioner restrains the competence of confessional tribunals in the matter of personal status. In principle it vests competence in this matter with the tribunals of the common law and reserves to religious jurisdiction certain questions which are enumerated and limited; namely, marriage, nullity of marriage, separation, divorce, repudiation of marriage and alimony. This reform has long been studied. It is asked for by the lawyers, the magistrates and even by the religious chiefs."\*

The question has been raised whether this removes from the competence of religious tribunals the question of competence to change of faith. The question of change of faith is answered as to the Lebanon by the procedure given in the collection of texts, and as to Syria by the discussion on a later page.

#### Lebanese Republic

Change of Registration. In the Lebanon in cases of change of faith, a procedure is followed similar to that provided in the Ottoman Law for change from Christianity to Islam. An arrete legislatif of the High Commissioner of the Lebanese Republic, under date of December 2, 1924, signed by General Vandenberg as Governor of Greater Lebanon and by General Weygand as High Commissioner in Syria and the Lebanon, has, by broadening the application of the procedure laid down in Ottoman Law in regard to change in religion, made a forward step in the legal interpretation of religious liberty in territory formerly part of the Ottoman Empire.

The reason for Government action was, of course, to regularize the situation so far as personal status is concerned for civic, rather than religious, purposes. The effect on the position of converts is brought out clearly, however, by contrasting

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\* See p. Appendix IV.



the situation in the Lebanon with that in Syria and Egypt, where there is no prescribed procedure to implement the constitution, and where the constitutional guarantee of complete freedom of conscience is not interpreted to include the right to change one's religion otherwise than to Islam. As an experienced observer has remarked, it is very easy to see "the relative impotence of a constitutional provision ..... as compared with the effectiveness of a concrete legal enactment."

In the Lebanese arrete the procedure for change from any one of the religious or sects to any other is established, and the act of change is itself thereby recognized and regularized according to law. It should be noted that women are as free as men to make this change in the Lebanon.

This decree was promulgated in Arabic and French. The French text is given. It is known as Arrete #2851 and came into force January 1, 1925. An unofficial English translation of the Arabic text also appears.

Paragraph 48 of this Arrete states that the officials must take the necessary action for registering documents concerning personal affairs within eight days after their receipt. According to legal authorities in the field, this paragraph which then goes on to enumerate in detail cases to which the paragraph refers, does not cover change of religion, since change of religion is not mentioned at all in Paragraph 48. The time limit, therefore, would not seem to refer to the preceding articles covering change of religion.

In the Lebanese Republic during recent years the procedure outlined in Paragraph 45 of the Arrete has not only been followed in several cases of change from Islam to Christianity but also from Christianity to Islam by both men and women. This constitutes a departure from the old Ottoman Law. The attitude of the community creates considerable personal difficulty for a convert from Islam even in the Lebanon. In Latakia and in Syria the social pressure is very great in such cases, at times rising to a violent pitch. And as will be seen, the situation in regard to change of registration has reached an impasse in Syria.

### Syria

As the Arrete mentioned above appeared to apply only to the Lebanese Republic, inquiry was made as to the legal status of persons in the State of Syria desiring to change their religion. Information from the most authoritative sources is to the effect that no procedure for change, other than that provided by the Ottoman Law has been established in the State of Syria. Even in the presence of the French Mandatory Power efforts have not been successful in obtaining the registration of a former Moslem as a Christian.\* The legislature of Syria has established regulations in regard to registration covering all questions of personal status, but omitting any mention of change of religion or sect. This omission is noticeable and was evidently intentional, because the regulations otherwise follow very closely the regulations with regard to the Lebanon. It must be borne in mind, however, that Syria has not fallen behind in the progress toward a more tolerant civilization. She has remained where she was and the Lebanon has moved forward.

### Iraq

Inquiry was made in Iraq as to the legal basis for possible changes of registration there. The notifications quoted in the pamphlet were issued by the Ministry of Justice in February 1924, with an addition later in the same year.

Thus in Iraq, just as in the Lebanon, what was formerly a one-way procedure has been broadened to cover any change of religion whatsoever, so far as the legal provision is concerned. It appears to be truly said, however, that "there are no changes of religion in Iraq."

### Palestine.

The "Change of Religious Community Ordinance No. 43 of 1927, an ordinance to Provide for Notification of Changes of Religious Community", should be noted. The provisions are more simple than those in the Lebanon and Iraq. The applicant

\*For official reference to this well-known fact see Minutes of 23rd Session, Permanent Mandates Commission, pp. 135-138. League of Nations Document C. 406. M. 209, 1933 VI.



after the change takes place obtains a certificate from the head of the community which he has entered. There is no provision for appearance before the Mudir or Kaimakam or Mutessarif, or for argument by the heads of the religious communities concerned. The masculine is definitely stated to include the feminine.

### Turkey

According to the best information obtainable, no special legal procedure has been established in Turkey regarding changes of registration. As there is no Constitutional provision for Parliamentary representation of religious minorities, this political reason for such registration does not exist. In theory a person may register himself as of any religious belief that he chooses to name. It is probable that many minor difficulties would be raised for those traditionally of the Moslem faith who might choose to register themselves as belonging to some branch of Christian or Jewish faith. While from the record of recent cases of change from Islam to another religion it appears that the constitutional guarantees are considered officially to be sufficient to protect any persons changing their religion, and have been so interpreted in connection with local issues, still social ostracism and other forms of unpleasant pressure have been brought to bear in such cases. This illustrates what was said earlier of the discrepancy between the law and social attitudes. However, information indicates that no political significance and little new significance is now attached to "conversions" from one faith to another, which marks a step forward on the road to complete religious tolerance and religious liberty. The emphasis seems to be placed by the Turkish leaders on the personal and individual nature of religion. Religious liberty in Turkey assures to every believer, of whatever faith, protection and freedom in worship, so long as such worship does not transgress accepted social and moral standards. But while religious liberty in the West grants to any believer the right of active propaganda, in Turkey and in most Near Eastern countries, the State interprets religious liberty as requiring the "protection" of students and minors from religious propaganda.

There is a natural conservatism on the part of the general population somewhat modified as has been said "by the desire to adopt and follow the minimum political requirements of attitude in the matter of religious liberty, which Turkey's position as a modern republic would seem to require."\*\* There is reason to believe that the leaders of the Republic are sincerely desirous of working toward a real personal liberty in matters of religious belief. They appear to be convinced that the domination of Moslem thought in secular affairs has tended to shackle progress, and have undertaken to secularize their national life. No longer are the religious leaders dominant in political counsels; no longer is education in the hands of the clergy; the extensive properties and emoluments of the clergy have been much curtailed. The ancient identification of the established religion with the State is gradually coming to an end in fact as well as in law.\*\*

#### Summary

To sum up, the documents show, in the Lebanon, Iraq, Palestine and the Sudan, that provision is made for regular legal procedure for change of registration following change of religion other than to Islam, alike in all these countries in general effect, although differing slightly in detail. No such provision for Trans-jordan, Latakia, or the Djebel Druse exists so far as can be learned, but information is not complete as to that territory. In the State of Syria and in Egypt there is at present no such procedure, except for those wishing to adopt Islam. In both Syria and Egypt, however, there are in the constitutions quoted above guarantees of liberty of conscience and of worship. In Egypt, as we see from the decree quoted, it is assumed that the only change of religion that will be made is a change in Islam. In Turkey, where no procedure for change of religion corresponding to that outlined for the Lebanon, Iraq, Palestine and the Sudan has been provided, the constitutional guarantee of freedom of conscience and worship has been interpreted by the Government in several cases on record to be sufficient to cover change of religion. This inter-

\* News Bulletin, Near East Christian Council, June 1932, p. 39.

\*\* The New Constitution of Turkey, Edward Mead Earle, pp. 85-86. Political Science Quarterly Vol. XL No. 1.



pretation constitutes a valuable precedent, although one perhaps not yet firmly established.

### Section III - Change of Religion and its effect on Inheritance

There is another subject of interest for the purposes of this study - regulations affecting inheritance by persons who have changed their personal status with regard to religion. The Ottoman Law is explicit on the subject. With reference to inheritance, the action of the Palestinian Government is significant. So far as is known, this action, quoted in the pamphlet, is unique. No official information is at hand in regard to the Sudan. It is understood in well-informed quarters that in the Northern Sudan a Christian who becomes a Moslem does not cease to inherit from his Christian parents and that a Moslem who becomes a Christian does cease to inherit from his Moslem parents. The Moslem law on the subject apparently still obtains in French Mandated territory.\* The Codes Egyptienne appear to follow on this subject the law of the Ottoman Empire and in general Moslem law.

The Turkish Government being a secular government there is no legislation affecting the inheritance of property which is conditioned by the religious position or attitude of citizens of Turkey. See page 11 for the situation in Iraq on this point.

### Section IV - Post-War Treaties for the Protection of Minorities

The list of these treaties on page                      sets forth the agreements already existing. An account of the origin of these instruments and special clauses

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\*Minutes 23rd Session, Permanent Mandates Commission, op. cit., p. 128 et seq., p. 174 et seq., p. 194 (g). As the petitioner in this instance, a woman, was a foreigner the case does not fall within the scope of this paper. The petition was rejected but the PMC called the attention of the Council "to the fact that the law enforced and admitted by the highest judicial authority in the mandated territory as enforceable would appear to be clearly contrary to the principle of equality of rights".

is to be found in Appendix II.\* They are designed to establish all religions upon a footing of equality. The votes of the Assembly of the League of Nations on the proposals for a general undertaking by all nations, already mentioned in the footnote on page 2 are full of color to the initiated observer, as they mark stages in a struggle which has gone on ever since the Minorities Treaties were first contemplated. The presence of minority groups within the borders of certain States, in these days of self-determination, independence, rampant nationalism and increasing irritation in various quarters over some of the frontiers traced after the War, has been the cause of difficult and delicate situations in Geneva. Although no one claims that the new system of guarantees has removed all difficulties, or has solved all problems arising from the sometimes divergent interests of the minorities and of the State of which they are citizens, not to mention the comments or protests of neighboring States, it is doubtless true that the right of petition and complaint, and the diplomatically tempered discussions at Geneva, have provided a helpful safety-valve. It is doubtless true also, that the review of various grievances or disturbing incidents by the Minorities Committees and the quiet discussions and representations resulting from this study, have not only served to ameliorate the situation, but have aided in the solution of some of the troublesome problems.

### III. CONCLUSION

The Constitutions, Organic Laws and domestic legislation set forth in the accompanying pamphlet have come into force since the War, except for the few paragraphs quoted from the Ottoman Law. In every case these recent enactments exhibit a trend, more marked in some cases than in others, toward more liberal provisions than formerly

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\* The footnotes in Section IV of the collection of documents should aid in the study of the texts. It may be noted that the treaty with Poland contains provisions for the protection of Jewish minorities; that with Greece provides protection for both Jewish and Moslem minorities; the Treaty of Lausanne signed by Turkey and Greece provides that the same rights shall be granted in Greece to Moslems as Turkey affords to non-Moslems; the treaty signed by the Kingdom of the Serbs, Croats and Slovenes provides protection for Moslems, as does the Declaration of Albania; the Declaration of Lithuania, and the Convention relating to Upper Silesia provide protection for Jews, and the treaty of Lausanne for Non-Moslems.



existed for liberty of conscience and for the protection of religious minorities. Public opinion along these lines is developing more slowly than the legal situation might indicate, and at different rates in different countries, occasional "incidents" arousing from time to time demonstration of bitter religious feeling.

To judge from an analysis of a number of individual cases, the fundamental causes of most of these incidents in so far as they have a religious origin, are alleged religious calumny, propaganda leading to conversion or avowed decision to leave Islam in order to enter another religious community, the last two more especially in connection with women or minors. The attempted furtherance of one religion by attacks on another is of course indefensible. There is no disagreement among high-minded religious leaders, no matter what their faith, on this point. There remain, then, as friction points on which there is serious disagreement between representatives of different communities, the right of propaganda leading to conversion\* and the difficulties created for nationals who desire to change their community by leaving the majority to join one of the minorities.\*\*

As to the right to change one's religion, in Syria and Egypt\*\*\* as has been seen, there is no established procedure by which persons can change their registration and thus become openly and legally members of the community they wish to enter. They are subjected to various forms of pressure both social and economic, and in a few well established cases, there has been either danger of or real violence. Although the procedure for change of registration is well established in the Lebanon, even there the abjuration of Islam is not easy for a convert. It is reported from Palestine that the legislation regarding change of religion is working well. While the procedure is established in Iraq for civic purposes, the comment is made that there are no changes of religion in Iraq and therefore no changes of registration.

\*Discussion of the right of foreign organizations or individuals to propagate their religious faith is beyond the scope of this paper.

\*\*Syria, Minutes of Permanent Mandates Commission, op. cit. pp. 135-136.

\*\*\*Egypt, Example of just procedure by the Government; also of anti-Christian demonstration. Egypt and Religious Liberty - p. 536, op. cit.

Under a truly tolerant Government the guarantee of equality of rights to all citizens, a principle adopted by most modern States, would seem to be sufficient protection for minority groups; but in Near Eastern countries where religion is identified with the State there is a tendency to regard the members of the minority communities as inferiors, an attitude which affects all relationships, religion rather than nationality being a test of citizenship. In countries where race rather than religion is made the touch-stone, we have the same resultant intolerance, - not confined to the East. In neither case does true equality of rights exist for all citizens, so that additional guarantees become necessary.

Although it is clear that the enactment of legal provisions by no means creates an ideal situation, it is of the greatest value. If future Agreements on the subject of religious minorities, or future Declarations could all contain, in addition to the provisions of the Declaration made by Iraq, provisions that the inhabitants shall have the right to change their religion (Albania) regulation of procedure for change of religion and of registration (The Lebanon, Iraq, Palestine, Sudan) and provision that change of religion shall not affect personal status or succession to property (Palestine) a great advance would be made.

Although it lacks these provisions, the Declaration made by Iraq is an advance over former agreements of the kind, and would seem to be the most liberal statement so far made by an independent State in the Near East with regard to religious liberty and freedom of conscience.

Perhaps the fact that these agreements, decrees and legislative acts collected in this way for the first time can now be studied in relation to each other, may help to clarify the general understanding of freedom of conscience, of religious liberty and of the protection due the religious minorities, and help to make possible a generally acceptable and accepted interpretation of the provisions as to these important subjects to be found in international instruments and national constitutions. Nearly all the countries of the world have guaranteed freedom of conscience and worship. The words are entirely clear. Unfortunately all do not agree as to their meaning.



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# INTERNATIONAL MISSIONARY COUNCIL

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Secretaries: J. H. OLDHAM; WILLIAM PATON, 2 Eaton Gate, London, S.W. 1

A. L. WARNSHUIS, 419 Fourth Ave., New York City

August 2, 1933.

Dr. W. B. Anderson  
Dr. J. P. Chamberlain  
Dr. W. I. Chamberlain  
Dr. F. F. Goodsell  
Miss H. C. Miller

Dr. J. R. Mott  
Dr. R. E. Speer  
Dr. C. R. Watson  
Mr. L. B. Moss

The replies to my letter calling a meeting on August 16 have indicated that several of those most important for this discussion cannot be present on that date. I am therefore cancelling the proposal for a meeting on August 16. I shall write as soon as possible regarding another date.

Meanwhile I enclose copies of correspondence that gives official information regarding questions at issue in Cairo which will be the basis of the discussion in the meeting when called.

Yours truly,

*A. L. Warnshuis*

ALW:H  
Encl.

Leslie B. Moss

# FOREIGN MISSIONS CONFERENCE OF NORTH AMERICA

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Vice-Chairman: REV. ERNEST W. RIGGS

419 Fourth Avenue, New York City

Recording Secretary: F. M. POTTER, L.H.D.  
Treasurer: JAMES M. SPEERS

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September 2, 1930

TO THE MEMBERS OF THE

### COMMITTEE ON MISSIONS AND GOVERNMENTS:

At the sub-committee meeting to be held on September 16

at 11:00 A.M. at 419 Fourth Avenue, New York, one very important question will be raised, coming from the American Board regarding the situation created with one of their missionaries in India. The question involves a consideration of what constitutes a neutral position on the part of missionaries in their relationship to the India Government during the present unrest. If you find it possible to meet with us at that time we shall be glad to have your help in framing a recommendation to the Committee of Reference and Counsel on this matter.

Sincerely yours,

*Leslie B. Moss*

Leslie B. Moss

*Dr. McAlle had this letter and was in telephone communication with Mr. Moss about it -*

*Miss Sheppard and Dr. Fern attended these meetings - Miss Sheppard is reporting on these meetings -*

LBM:B



Sept. 18, 1930

Oct 15 9 1930  
RECORDED

Miss Sheppard

Dr. McAfee

Dr. Fenn

*Relation of American  
missionaries to Indian Govt.*

Dear Friends:

Following up our brief conversation yesterday about the neutrality of missionaries in India, I want to share with you the material that was handed to us at the meeting, September 16, of the Committee on Missions and Government. Neither Miss Hodge nor Dr. Speer could be present. I was not there as a substitute for either of them, but because of my membership on the Committee on Field Problems. This Committee met the hour preceding the one on Missions and Government. We were invited to sit in and listen to the discussion on missionary neutrality following the closing of our own Committee meeting. If Dr. Fenn had not had another engagement he would have remained, as I did, for this discussion. I therefore want to share this material with him and with Dr. McAfee, as our senior secretary at the present moment. As I understand it, this correspondence was only for the confidential use of the Committee in order to understand the request from the American Board. The discussion at the Committee meeting revolved around the three general questions, which are listed as follows, on the first page where Mr. Moss has briefly reviewed the case:

" In the thinking of the American Board representatives this situation gives rise to three questions: (1) The responsibility of American missionaries for the loyalty of the leaders of the Indian Church. (2) What has the Government the right to demand of missions and missionaries in return for its support of their educational and other public work? (3) When there is need of an interpretation of the meaning of neutrality, or the responsibility of missions receiving support from the Government, should missionaries be expected to accept without question the ruling of the District Magistrate in the district in which they are living?"

There were very few members of the Committee on Missions and Government present at the meeting. They soon realized what an important issue had been brought before them, and when I left, ten minutes before the close of the discussion, it was evident that no one wanted to take any final action at that time.

Dr. Alden H. Clark, who presented the matter for the American Board, added a few brief facts which I jotted down and I think are correct, but I do not give them to you as verified information.

Mr. Hall, the Collector, who is the Government Official mentioned all through the correspondence, is the senior member in the Madras Presidency. He has been under very great strain during these months of Civil Disobedience. The Government Official, who has been recently appointed, has felt that things should be stiffed up, and Mr. Hall has heartily agreed with him in this point of view.

Dr. McAfee  
Dr. Fenn

-2-

September 18, 1930

Mr. Keithahn is a missionary in his first term, unmarried, a mystic and idealist, who has had intimate relations with the Indians. Mr. Keithahn was garlanded with Mr. Reynolds as he left the railroad station, and therefore Mr. Hall contends that by this act he was associated in the minds of the Congress Party as endorsing the Gandhi program. Because of Mr. Keithahn's membership in the Mission, Mr. Hall feels that the Mission is also involved.

I understand that in Mr. Keithahn's interview with Mr. Hall, Mr. Hall accepted the fact that Mr. Keithahn was not a rebellious type of person, and had had no intention of making any public declaration of sympathy with the Congress Party. Mr. Hall intimated that Mr. Keithahn could return after all this had blown over. Mr. Keithahn is now in America, although the Board has not accepted his resignation as a missionary. When Mr. Reynolds returned to England, he requested an investigation by Parliament of the incident. This is now pending.

The Madura Mission, after an interview with Mr. Hall took action, stating that they believed that Mr. Keithahn has violated his neutrality in the "totality of his actions" and disassociated themselves from his actions. You will note in the mimeographed material the mention of Dr. Roberts being unwilling to sign this statement and therefore creating a lack of unanimity, which Mr. Hall had insisted upon. Later, so Dr. Clark stated, Dr. Roberts wrote a letter to Mr. Hall, in lieu of signature to the Missions Action, which Mr. Hall accepted. The Madura Mission has received in all about 500,000 rupees as grant in aid. In explanation of the letter Mr. Vaughn sent to the Pastors of the Church Council, Dr. Clark said that Mr. Vaughn took his position under great pressure from Mr. Hall and believed that they should conform as much as possible to his request and ask questions later.

I think these are all the additional facts presented at the Committee Meeting. Mr. Moss has had no further word from Mr. Paton than the letter he mentions in his statement. After you have read this material, will you be good enough to send it through to Dr. Speer's office?

Sincerely yours

Irene Sheppard

IS-B  
Encl



Dr. McAfee  
Dr. Fenn

-3-

September 26, 1930

P.S. September 26: Since dictating the above I have been able to secure an advance copy of the Minutes, which I attach. You will notice that they agreed unanimously to ask for an interpretation of the status and neutrality through Mr. Paton of the International Missionary Council.

I also attach for convenient reference the agreement our Board signed with the British Government in January, 1920, as well as the form we use<sup>d</sup> in certifying to each new missionary who is appointed for service in India.

If I am able to secure a copy, I will also attach copy of the letter sent to the British Ambassador by Dr. White at this same time.

I.S.

THE BOARD OF FOREIGN MISSIONS  
OF THE PRESBYTERIAN CHURCH IN THE U. S. A.  
156 FIFTH AVENUE  
NEW YORK

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copy for Dr. Speer

September 26, 1930 .

*Relations between India  
Govt. & Missions*

Rev. H. C. Velte, D. D.  
Saharanpur, Punjab, India.

My dear Dr. Velte:

A few days after you sailed the Foreign Missions Conference called a meeting of their Committee on Missions and Government to consider a request from the American Board, arising from the situation caused by the Government challenging the neutrality of one of their missionaries, Mr. Keithahn. Mr. Alden Clark, representing the American Board, presented a very full mimeographed statement of the correspondence that had passed between Mr. Hall, the Collector of the Port, and Mr. Banninga, the officer of their Madura Mission. We of course did not take up the question of whether, in our opinion, Mr. Keithahn overstepped his neutral position, but our concern was regarding the interpretation by the British Government of our neutrality, in view of present conditions, and also being mindful of the agreement we had signed in order to have permission for missionary work in India. I am enclosing a copy of the minutes of the meeting, which I am sending to you confidentially in order that you may see what steps have been taken to secure an interpretation from the India Office in London.

The two most arresting factors in the situation to us were those relative to the receiving of Grants in Aid, and of our being held responsible for the actions of our Indian staff. I think every Board representative at this meeting regretted that action and decision had been taken by the local official regarding Mr. Keithahn's expulsion rather than the matter being referred to higher authority. I enclose a copy of Mr. Hall's letter to Mr. Banninga which seemed to us to go beyond the neutrality agreement in that it infers we will be active in promoting the government program, and also hold ourselves responsible for the actions of all our Indian Christians.

This meeting was held in between our Board meetings. Dr. Speer is returning within a few days, and I judge the matter will be reported to the Board, although I suppose there is no further action for us to take pending the reply from Mr. Paton. It certainly raises some very perplexing problems which it was evident the secretaries of the various boards were eager to share with each other. Some secretaries reported much more pressure being brought to bear on their Christians than that met by those in other parts of India.

I trust your voyage was uneventful and restful. We know how earnestly the missionaries on the field have desired your return at this critical time.

With renewed appreciation of your help and counsel during your furlough, and with kindest regards to Mrs. Velte, believe me

Cordially yours,

Irene Sheppard.



9/26/30

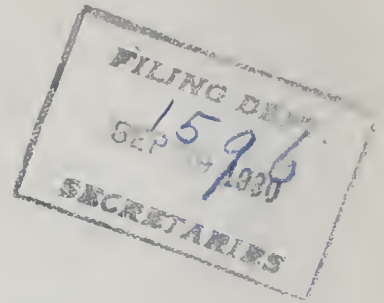
P.S. - I am sending a copy of this letter to Dr. Dodds. Would you be good enough to share the enclosures with him?

I do not know whether you have on file in your office a copy of the form which our Board and the new missionaries fill out in order to receive a visa for entrance into the country. I enclose one herewith.

I. S.

Enclosures

Minutes of Sept. 16, 1930 meeting of Com. on Missions & Governments.  
Letter from District Magistrate to Dr. Banninga July 4th  
Copy from our Board Minutes of agreement signed by Boards having work in India.  
Certificate of Missionary Appointment.



copy sent Dr. Dodds  
Dr. Speer

September 26, 1930 .

*Minutes of Missionaries  
to Indian Government*

Rev. H. C. Velte, D. D.  
Saharanpur, Punjab, India.

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Irene Sheppard.

IS:MVS



Dr. H.C.Velte

-2-

9/26/30

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Copy from our Board Minutes of agreement signed by Boards having work in India.  
Certificate of Missionary Appointment.

W. Paton

# FOREIGN MISSIONS CONFERENCE OF NORTH AMERICA

## Committee of Reference and Counsel

419 Fourth Avenue, New York City

Telephone Caledonia 1271

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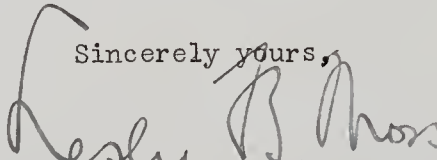
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DR. JOHN W. WOOD  
REV. S. G. ZIEGLER, D.D.

October 31, 1930

To the Members of the Committee of Reference and Counsel:  
and  
To the Secretaries of Mission Boards Having Work in India:

At the request of Mr. Colton, Chairman of the Committee on Missions and Governments, I am sending herewith a tentative and entirely confidential report of the conversations so far carried on by the officers of the International Missionary Council with the permanent Under Secretary of State of the India Office in London. I am sending it because it provides you at once with the information regarding the progress of these negotiations. I think you will recognize the fact that absolutely no publicity should be given to the information contained in this letter until there has been opportunity to carry through the study to which Mr. Paton refers. Through some means, publicity has already been given to one or two documents connected with this case, which is unfortunately embarrassing at the present stage of negotiations. We hope, therefore, that the supplying of this information will not lead to any further embarrassment in this direction.

Sincerely yours,

  
Leslie B. Moss

LBM:M  
Encl.



COPY

CONFIDENTIAL

Edinburgh House  
2 Eaton Gate, London  
14th October, 1930

My dear Moss:

I am sorry I was taken ill last week and was unable to write to you as I meant to do.

I had a very useful talk with Sir Findlater Stewart, the new Permanent Under Secretary of State of the India Office. He is the chief of the permanent officials next to the two parliamentarians, who change with the parties. He was secretary to the Simon Commission, and is, I may say, a man of unusual spirit and outlook. I did not know him before, and I feel very happy that so good a man is in charge of the India Office affairs.

I can sum up the interview by saying that Sir Findlater Stewart agreed entirely with the contentions I put forward on behalf of the American societies. He particularly agreed when I suggested, as Dr. Alden Clark said in a letter to me, that a more sensible Collector would have settled the whole trouble of Mr. Keithahn at the very start by a friendly talk. He felt with me that the action of the Madura Mission in unanimously dissociating itself from Mr. Keithahn's actions made any further discussion of that particular question difficult, but he agreed that the three points I urged in your name should be taken up with the Government of India and the Madras Government. These three points were, as you will remember, the responsibility of the Missions for the loyalty of the Christian pastors, the apparent arbitrariness of the rules on which grants were to be given, and the question whether American missionaries' neutrality were to be judged by local officers without provincial or all-India judgment being given.

Sir Findlater Stewart naturally holds that under the terms of Memorandum A the American missionaries should abstain from political activity, and called my attention to the further words, that in so far as their influence can be properly exerted it should be on the side of loyal co-operation with Government. I emphasized the fact that nobody questioned this, but that the whole point lay in the meaning of "so far as it can be properly exerted", and that the demands made by the Madura Collector were such as to go far beyond reasonable expectations. To this he agreed, and said that the Collector seemed to be treating the missionaries much in the same way as whole or part time Government servants, such as tahsildars.

After a very thorough discussion I suggested that he should take up the matter with the Indian authorities, correspond further with me, and I would correspond with you, so that between us we would arrive at a general

October 14, 1930

statement on the points under discussion, mutually agreeable to us all, that could then be put in a formal letter between the India Office and Edinburgh House, and which would then be a final statement on the subject.

I think therefore that you may be quite sure that the Home Government will do all that is needed with the Indian authorities. I shall be out in India myself this winter, and if it seems wise I may take a hand in the discussion there. I feel however so clear that Sir Findlater Stewart very warmly recognized the forbearance and discretion shown by the American missionary authorities, and especially by the American Board, and had no kind of doubt that the points raised were of real importance, and such as Missions not only legitimately could raise, but might even be regarded as bound to raise.

Yours very sincerely,

W. Paton



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Composed of Representatives appointed by

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NATIONAL CHRISTIAN COUNCIL OF CHINA  
CONSEIL PROTESTANT DU CONGO  
DANSK MISSIONSRAAD  
DEUTSCHER EVANGELISCHER MISSIONSBUND  
SOCIÉTÉ DES MISSIONS ÉVANGÉLIQUES DE PARIS  
CONFERENCE OF MISSIONARY SOCIETIES IN GREAT  
BRITAIN AND IRELAND

NATIONAL CHRISTIAN COUNCIL OF INDIA, BURMA AND  
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NATIONAL CHRISTIAN COUNCIL OF JAPAN  
KOREAN NATIONAL CHRISTIAN COUNCIL  
COMMITTEE ON COÖPERATION IN LATIN AMERICA  
NEAR EAST CHRISTIAN COUNCIL  
COMMISSIE VAN ADVIES (THE NETHERLANDS)  
NETHERLANDS INDIA  
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NATIONAL CHRISTIAN COUNCIL OF SIAM  
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SUOMEN LAHETYSNEUVOSTO  
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LAND

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WILLIAM PATON  
A. L. WARNSHUIS

Assistant Secretaries:

MISS B. D. GIBSON  
MISS ESTHER STRONG

Chairman: JOHN R. MOTT  
230 Park Avenue, New York City

SECRETARY'S OFFICE  
419 FOURTH AVE., NEW YORK CITY

June 4, 1930

Dr. Robert E. Speer  
156 Fifth Avenue  
New York City

My dear Dr. Speer:

We were very sorry indeed that you could not be with us for the meeting on religious liberty. I am enclosing herewith a copy of the minutes of the meeting which I think will be of interest to you.

The group voted to hold another meeting the third week-end of November and I hope that it will be possible for you to be present then.

The Committee have asked me to prepare a bibliography on the subject of religious liberty and are especially eager that I get suggestions from you as to references that should be included. I have, of course, noted your deputation reports and your book "The Church and Missions".

The group are especially interested in the question of religious liberty and international law, the separation of church and state, educational problems, property rights, the question of what rights and privileges the church and missions may fairly claim, the practical application of the principles of religious liberty, the fundamental concept of religious liberty and the causes underlying the violations of the principles of religious liberty in the various mission fields.

Yours very sincerely

*Esther Strong.*

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enc.

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*Esther Strong*

## INTERNATIONAL MISSIONARY COUNCIL

Composed of the following Organizations

NATIONAL MISSIONARY COUNCIL OF AUSTRALIA  
SOCIÉTÉ BELGE DE MISSIONS PROTÉSTANTES AU CONGO  
NATIONAL CHRISTIAN COUNCIL OF CHINA  
CONSEIL PROTÉSTANT DU CONGO  
DANSK MISSIONSRAAD  
DEUTSCHER EVANGELISCHER MISSIONSBUND  
SOCIÉTÉ DES MISSIONS ÉVANGÉLIQUES DE PARIS  
CONFERENCE OF MISSIONARY SOCIETIES IN GREAT  
BRITAIN AND IRELAND

NATIONAL CHRISTIAN COUNCIL OF INDIA, BURMA, AND  
CEYLON  
NATIONAL CHRISTIAN COUNCIL OF JAPAN  
KOREAN NATIONAL CHRISTIAN COUNCIL  
COMMITTEE ON COÖPERATION IN LATIN AMERICA  
NEAR EAST CHRISTIAN COUNCIL  
COMMISSIE VAN ADVIES (THE NETHERLANDS)  
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NATIONAL MISSIONARY COUNCIL OF NEW ZEALAND  
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FOREIGN MISSIONS CONFERENCE OF NORTH AMERICA  
(UNITED STATES AND CANADA)  
NATIONAL CHRISTIAN COUNCIL OF THE PHILIPPINE  
ISLANDS  
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MISSIONARY SOCIETIES OF SOUTH AFRICA  
SUOMEN LAHETYSNEUVOSTO  
SVENSKA MISSIONSRADET  
ASSOCIATION OF MISSIONARY SOCIETIES IN SWITZER-  
LAND

Chairman: JOHN R. MOTT, 230 Park Avenue, New York City  
Secretaries: J. H. OLDHAM; WILLIAM PATON, 2 Eaton Gate, London, S.W. 1  
A. L. WARNSHUIS, 419 Fourth Ave., New York City

January 23, 1951

To the members of the Group on Religious Liberty:

Gentlemen:

Enclosed is a draft of the minutes of the last meeting of the Group on December 5 and 6. These minutes are to be distributed to the groups that are being organized in the various fields and before sending them out we wish to have them carefully checked by those who are quoted.

Please correct these minutes and return them to me by January 30. If we do not receive word from you by that date, we will consider that you approve the minutes and we may send them out with your contribution as it stands.

Very sincerely yours

*Esther Strong*  
Assistant Secretary

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enc.



MINUTES OF THE MEETING ON RELIGIOUS LIBERTY

December 5-6, 1930  
New York City

Chairman: Prof. J. P. Chamberlain

Dinner was served at 6:30 p.m. at the Y.W.C.A., 600 Lexington Avenue, at which the following were present: Prof. J. P. Chamberlain, chairman, Mr. L. B. Moss, Dr. H. T. Hodgkin, Prof. E. B. Greene, Mr. C. H. Fahs, Dr. J. W. Wood, Dr. W. I. Chamberlain, Dr. G. B. Huntington, Dr. J. A. Morehead, Rev. J. Ritchie, Mr. E. T. Colton, Dr. R. E. Speer, Dr. F. F. Goodsell, Dr. W. W. Rockwell, Rev. E. C. Lobenstine, Prof. G. G. Wilson, After dinner the following joined the group: Dr. C. B. McAfee, Dr. R. L. Howard, Dean L. A. Weigle, Mr. Basil Mathews.

Friday Evening

The meeting was called to order at 7:30 p.m. by the Chairman. It was regretted that the following could not be present: Dr. J. R. Mott, Dr. J. G. Robbins, Dr. C. R. Watson, Dr. D. W. Lyon, Dr. T. J. Jones, Prof. Paul Monroe, Prof. W. W. Willoughby, Dean E. D. Seper, Dr. F. E. Johnston.

Dr. Chamberlain opened the meeting with a short statement on the purpose of the Group. This meeting is the second time the informal group have come together to discuss religious liberty. In May 1930 Dr. Warnshuis called together the group for the first time to explore the possibilities of group work on this problem. The group voted to have other meetings to continue the discussion and appointed a small ad interim committee composed of Dr. A. L. Warnshuis, chairman, Dr. F. F. Goodsell, Prof. J.P. Chamberlain, Rev. E.C. Lobenstine. In Dr. Warnshuis' absence the committee decided to call this meeting. What we are trying to do at this meeting is to come to grips with certain situations in which religious liberty is restricted. Experience from the different fields was brought out at the last meeting. We want now to explore the facts in order to formulate the rights which must be assured.

We ~~xxx~~ all recognize that present situations in different mission fields have parallels in the past. As a striking example, many of the difficulties now acute were encountered and solved by the Japanese missions, notably in respect to education. The statesmanship of the leaders, both Japanese and foreign, who directed the course of the Christian groups during the period of adjustment of Japan to Western civilization, must contain invaluable lessons for the present.

In this country, all religious bodies have a very broad freedom in regard to evangelistic work, social work and education. This freedom rests on a broad basis of public opinion, which is reflected in our legislatures, but recent instances are not lacking in which local feeling showed itself by enacting into law substantial restrictions on the right of private organizations to carry on schools. The courts of our constitutional system stopped these encroachments on individual liberty, but these cases must make us aware of the nature of the problem of assuring religious liberty against waves of popular feeling. In countries where the executive is not so controlled by legislatures and courts as in the United States, another and different question of enforcement arises.

Before going into the question of ~~xxx~~ rights we will take up the question of why certain governments are restricting religious liberty today. Dr. Goodsell will discuss this question.

Dr. Goodsell present his paper on "Why Are Certain Governments Today Restricting



Religious Liberty?" He said that this paper was not an attempt to make a profound study. It was only to call attention to certain situations. He had not attempted to make a study of official documents, or to gather field materials. He had written to certain people for their thought on the situation and had summarized the results of his correspondence. The paper was before the group and he called attention to certain important facts in it. He summed up the situation by saying that he felt the underlying restrictions of religious liberty were upon two issues: (1) self-defence; and (2) self-expression. These could be good or bad and as a matter of reality, he supposed that they were reduced ultimately to the motive of self-defence. This was interpretative of a great deal that had happened in the past few years. It was the effort of the Orient to use the weapons of the West in order to fight the encroachments of the West.

Mr. Lobenstine then presented a paper on "What Rights and Privileges Must Be Guaranteed to Maintain Religious Liberty." After reading his paper Mr. Lobenstine emphasized the fact that in China he thought there was a real degree of religious liberty and that whatever attack there was on schools had been part of the nationalistic program on account of a fear of foreign cultural penetration. He called attention to the fact that most of the things which he listed as the rights and privileges which a government must guarantee to its own citizens were guaranteed to the Chinese nationals by their government. He raised the question as to whether the rights of foreigners under religious liberty were different from those of nationals and instanced the question of property.

I. The right of each adult individual to hold such religious beliefs and to engage in such religious practices as he may desire, provided these are consonant with public order and morality.

A. It was agreed that in view of the situation on the field it should be specifically stated that an individual should have the right to change his religion and his religious allegiance. (Hodgkin)

B. The rights of minors.

1. The right of the state to protect the child against religious influence.

a. It was pointed out that in Russia the state claims this right in every detail of life. (Morehead) However in reality this means that a child is indoctrinated with an anti-religious attitude toward life. (Hodgkin)

b. In China the situation is influenced by Russia but the government stepped in only insofar as the schools are concerned. (Lobenstine) In reality China is more like France at the time of the French Revolution where the situation is more deistic than atheistic. The idea that children should grow up to years of discretion before having any religious instruction at all, was advocated by Rousseau in his Emile (1762). However, Rousseau had a distinctly deistic point of view, whereas Russia has an atheistic idea. There the child is individually trained in atheism up to the age of 16; all religious influence is derided. This is not consistent with the idea of protection against premature religious influence. China however is more deistic. In Europe deism has all passed away and it will probably do the same in China. (Rockwell) The school situation can also largely be explained as a fear of foreign influence than on the grounds of religion. (Lobenstine)



c. In Turkey a minor's religious training and belief is in the hands of his parents. Whatever the minor believes he cannot practice ~~immense~~ if it is contrary to the wishes of his parents. However the child belongs to his parents as against the state. The parent had complete control over the child; the state has no right to interfere. The state makes laws to protect the parent's right to bring up the child in his own faith. Turkey prohibits Christian schools to teach religion to Moslem children. On this point Turkey is more liberal than Russia. However there was evidence of the influence of Russia as for example in a recent statement of a government educational official that the child had the right to reach the age of discretion free from religious prejudice. (Goodsell)

d. In the West there is a great section of modern thought that favors the point of view that Bertram Russell stands for; i.e. that a child must be protected against being immersed in his father's outworn faith. This philosophy is prominent in American thinking. (Weigle)

e. The Oregon School Case (Pierce v. Sisters, 268 U.S. 510) declared that in this country the parent has a right to control over the child's education. (Chamberlain)

2. It was pointed out that there were two questions involved: (1) the issue between the state and the family as to the right of control over the minor in matters pertaining to religion; and (2) the distinction between adult and child in the matter of religious belief. There can be no sharp distinction between these two age groups. In the American constitution there is no question of the age at which an individual has the right to freedom of religious belief. We can justly claim that the child has the right to his own religious belief when he comes to the age when he feels able to exercise that right. In the question of belief there can be no age grouping. (Speer)

C. The chairman stated that so far as the group seemed agreed that freedom of an individual to practice his religion and to change his belief is necessary to religious liberty but that, however, a minor, especially in his early years, must be largely guided by his parents.

II. The right of every citizen to propagate his religion by such means as he may desire so long as they are consonant with public order and morality.

A. Through educational work.

1. There was general agreement as to the right of the child. If he has come to a conviction he should follow it. The question that school regulations take up is that of propaganda among minors. In China the state has stepped in only in regard to schools. (Lobenstine)

2. In Turkey in the Brouza School Case the question had resolved itself into when is a teacher not a teacher. (Goodsell)

3. It was suggested that this discussion had to do more with point VI than with point II.

B. Through hospitals.

1. It was suggested that the situation might more clearly be grasped by considering the question of the right to influence patients in a hospital.







and appreciative protection. The most important consequence of the change will be that organized religious proselytism having for its purpose the seduction of His Majesty's subjects from their ancestral faiths will be barred as the King being the Protector of all religions cannot let one of them wage war against another." (Indian Social Reformer, Maharajah, "How Can India Be a Dominion?" March 29, 1930.)

2. It was agreed that Professor Hocking be asked to discuss the question of the ethical limitations of propaganda. All are agreed for instance that the methods of the Inquisition were wrong. Are there unethical methods in Protestant missionary work? (Hodgkin) It is often difficult to make a distinction between proselytism and justifiable propaganda. (Lobenstine)

3. The use of the word "propagate" was questioned. Could we not say "the right to commend our religion to others"? (Weigle) The word "sharing" which was used at Jerusalem was suggested as a substitute. It is coming more and more into general use. (Colton)

4. It was suggested that attention be given to the post-war concordats between the Holy See and the European countries. (Rockwell)

D. It was agreed to accept this point.

### III. The right of public assembly for religious purposes.

A. There was general agreement that this point should be included.

B. Some clause must be added giving the government the right to step in if necessary. For example, in Turkey, the Armenians used their church services for political meetings against the government. The government must have the right to protect itself against the wrong use of assemblies for religious purposes. (Goodsell)

C. It was agreed to accept this point as it stood.

The evening meeting adjourned at 10:15 p.m.

Saturday

On December 6 the meeting convened at 9:30 a.m. at 419 Fourth Avenue.

This present were Prof. J. P. Chamberlain, chairman, Rev. E. C. Lobenstine, Prof. E. S. Latourette, Dr. J. A. Morehead, Rev. J. Ritchie, Dr. F. F. Goodsell, Dr. W. W. Rockwell, Dr. G. B. Huntington, Dr. R. E. Speer, Rev. L. B. Moss, Prof. G. C. Wilson, Dr. H. T. Hodgkin, Dr. F. W. Potter.

The meeting was opened by prayer by Dr. Speer. The discussion of Mr. Lobenstine's paper continued.

IV. The right to hold property in the name of the religious body without danger of occupation or confiscation by the state, provided the property is used for religious purposes.

A. The discussion was opened by Dr. Huntington who made the following points:

## 1. Property rights of nationals.

a. The right of the individual citizen to acquire, occupy and transfer property for the purpose of religion.

(1) The question arises whether the property is to be used solely in religious work. Past experience indicates that there may be somewhat different points of view in looking at the two phases of this question. The right of the individual citizen or group to acquire and use property would seem to be necessary correlative of the right of public assembly.

(2) On the other hand there is the question of the use of property simply for the purpose of income. The experience of the Roman Catholic Church in France in accumulating great quantities of real estate was that the property in some instances was taken out of the hands of the clergy. This might suggest the right of the government to place limitations on the amount of property to be held.

b. The method of acquiring property.

(1) In most cases there is no difficulty in the matter of purchase.

(2) In this country there are limitations on the receipt of property by gift. This is not considered as a limitation of religious liberty.

(3) Some states place limitations on the amount of property that can be left to religious organizations by will. In this country property held for income is regarded as a public benefit and as exempt from taxation. That question has arisen on the field.

c. Taxation. Does the fact that a government taxes religious property mean an infringement of religious liberty? I cannot feel that it does. If the government has the right to regulate public assembly it would seem that it has the right to regulate property for this purpose also.

d. Property for educational purposes brings up the right of the government to restrict the use of property for educational purposes especially secular education. Is that subject to government regulations without involving an infringement of religious liberty?

## 2. Property rights of foreigners.

a. If we agree that foreign individuals and organizations can claim the right to propagate (or commend) their religion in countries where they go, there arises the question as to whether the use of property is essential to the propagation of religion. If we assume that we cannot satisfactorily carry on our work of religious sharing without having in our own right, properties for church buildings, hospitals, schools, then there do arise questions as to whether the government of the country in which we are working has the right to place limitations on the holding of property.



(1) We need to make a careful distinction as to whether there are restrictions and limitations placed on the holding of property because the owner is engaged in religious work or because he is a foreigner. In Japan no restrictions are placed on the acquisition and holding of property for religious purposes by nationals but foreigners cannot hold property for religious or any other purpose. The situation there has been met by the organization of Shadans or property-holding corporations which are composed of missionaries. All missionaries residing in Japan automatically belong to these corporations and when they leave the country they automatically drop out.

b. Another question which arises here is as to the guaranteeing of property rights by treaty. Is the securing of property rights by treaty advisable or otherwise? In past years it was thought necessary, but the tendency is lessening. Treaties guaranteeing reciprocal rights are considered to be much ~~xxxx~~ better. In this regard, America does not guarantee reciprocal rights to Chinese citizens in the holding of property in the United States. There can be no basis for claiming religious liberty unless there is such a guarantee.

c. If we seek to hold property in a foreign country it should be held subject to the general laws of the country. China recently emphasized the fact that in China the transfer of property is by perpetual lease and not in fee simple. It depends on the theory of the state. A state that considers itself the owner of all the property of the state cannot allow a citizen or groups or corporations to hold property except by lease from the government.

B. The group took up the question of what property rights were civil rights and what pertained to religious liberty.

1. The question was raised as to whether there was any real difference between civil and religious rights. Christian believe that their faith should enter into all phases of life. To some even voting is an act of worship. (Lobenstine)

2. Philosophically this is true but legally there is a distinction between civil and religious rights. (Hodgkin)

3. The right to hold property is essentially a part of religious liberty in view of the fact that it is necessary to the extending of the work of a growing faith. We must have property for use in the growth of expression of our religious faith. Individuals must have the right to give property and religious organizations to receive it. (Morehead)

C. In order to hold property it is necessary to establish legal status.

1. In Peru there are limitations placed on Protestants by the concordats which affect nationals as well as foreigners. In order to hold property a business corporation has to be formed. There is discrimination against any but the state religious. (Ritchie.)

2. This is not so in Persia. (Goodsell)



3. In Turkey the Christian community can hold property. For sometime there was a grave question as to whether the valuable property of the foreign boards could be legally held in Istanbul. The government has just recently recognized the legal personality ~~xxx~~ of the foreign mission boards and their right to the property in Turkey. (Goodsell)

D. The question was raised as to what was meant by the phrase 'property held for religious purposes'. Is all property held by a religious organization, held for religious purposes? Are the plantations held by the Roman Catholics in South America from which they derive a large income held for religious purposes? Does an industrial plant owned by a church come under this head? (Speer)

1. In China a Christian is not discriminated against. In Shanghai the Roman Catholics hold a great deal of valuable property for income purposes employed in a very doubtful way. The Protestants also hold a valuable piece of property, the ~~xxx~~ income of which is used for the support of the National Christian Council. On this property are housed a number of Christian organizations. The whole question of property holding ~~xy~~ by religious organizations merits very careful documental study. (Lobenstine)

2. Dr. Morehead read the regulations of the Soviet government in regard to the holding of property for religious purposes.

3. A distinction must be made between the holding of property for church and school and other evangelistic purposes or the holding of property for income purposes. Point IV involves simply the holding of property for worship. The property question for other points will be brought up later. (Chamberlain)

E. The chairman asked the group if the right to hold property for endowment was necessary to or inherent in religious liberty.

1. Dr. Hodgkin said that he could not see that the question of religious liberty was at all involved in the holding of property for endowment purposes.

2. The situation in Manhattan Island in New York City was instanced. The churches here would have a bad time getting along if it were not for endowment. (Rockwell)

3. Back of the right of endowment lies the right of an individual to project his religious beliefs into the future. Endowment has kept alive the Roman Catholic Church in certain areas long after public opinion seemed to stop supporting it. (Huntington)

4. Through history from time to time endowments have been confiscated and have never been paid back when this has happened. We usually think in terms of perpetuity of endowments but in reality these endowments when they become too large or give too much power to church organizations have often been wiped out by revolution or "reformation". (Rockwell)

5. In Turkey the situation in regard to heavily endowed Moslem property is troubling the government there is an element there that would like to confiscate this property. (Goodsell)

6. The question was asked whether they could separate the question of freedom of worship from freedom of endowment for worship.



7. A distinction must be made between the holding of property for church and school and other evangelistic purposes or the holding of property for income purposes. Point IV involves simply the holding of property for worship. The property question for other points will be brought up later. (Chamberlain)

F. Religious liberty requires that all religious bodies be treated alike. It was suggested that the working of point IV read "the right to hold and use property without discrimination between different religious bodies." The question was raised as to the security of tenure. The state should protect the property of religious corporations. (Rockwell and Potter)

1. In Russia there is an equality of ill-treatment which does not guarantee religious liberty. (Morehead)

2. The question came up as to the distinction in buildings erected by money raised by taxation. The group amended point IV to read "the right to hold and use property for religious worship without discrimination on grounds of religion."

3. Religious corporations or bodies should be treated in the same way as a commercial agency. (Potter)

G. Has the state the right to quarter troops in property used for religious purposes? (Potter)

1. An emergency measure could not be considered as an infringement of religious liberty. (Lobenstine)

VII. The right of any religious group whose teachings are consonant with public safety and morality to conduct private schools for the education of their own children and those of others under whatever general regulations are enacted by the state.

A. Mr. Lobenstine said that he did not see how we could claim more than that stated in VII in our schools. He felt that the Chinese government was within its rights in restricting education. However, he said that the Indian conscience clause suggests a method that might prove satisfactory even to the Chinese government. This was discussed but not taken up by the Chinese Christians. It maintains that parents shall have the right to say what their child shall be taught.

1. In America if we wiped out the parochial schools, we would be limiting religious liberty. (Potter)

2. It was pointed out that schools must be prepared not to include the children of others than Christians if they wish to insist on Christian teaching. (Lobenstine)

B. Has the state the right to dictate as to the education of the child?

1. The question comes up as to whether we are accepting the right of the state to interfere between the parent and the child and to determine the religious education of the child. Under the Russian system the parent has no such right in regard to his child. In most countries the state cannot interfere. (Rockwell)



2. Dr. Hodgkin maintained that religious liberty would be infringed if a parent did not have the right to expose his child to his own religious beliefs, without interference from the state. A parent has a responsibility to his child especially in the field of religion, not to expose him to ideas that are contrary to his own belief.

3. We are facing a world situation in which the battle of secularism is being fought out to the bitter end in Europe. In Saxony all schools are secular, with the exception that where parents want to have their children educated in religion in schools, the parents can come together in the town hall and vote for it. Throughout Europe minorities are fighting for the right of development as well as for the right of worship, in regard to schools. In this country we feel that the secularization of schools has gone very far, and we are trying to get the situation adjusted. Is it not necessary that we have a far-reaching study of this whole question? In Russia the teaching of all religion is prohibited in all education establishments (there are no private schools). In China the teaching of religion is prohibited in all schools both public and private. (Morehead)

4. In Turkey the government prohibits Christian schools from teaching religion to Moslem children. <sup>however</sup> they all agree that the state does not have the right of parents to control the children. In this point Turkey is more liberal than Russia. (Goodsell)

5. Parents ought to have the right to have their children taught in private schools. Children ought to be able to be taught religion at the discretion of the parents and ~~that~~ private schools should have the right to teach religion. (Lobenstine)

6. The modern idea of education involves the right to teach the right ~~and~~ attitudes not only towards the material and social world but also the right attitude toward God. This must be expressed through the entire education and not just in instruction in religion. Religion cannot be taken out of schools and taught separately. Education involves the question of the attitude toward life. If a child goes to school and is taught the principles of class warfare instead of the principles of brotherly love he is getting a strong anti-religious bias. (Hodgkin)

7. It was pointed out that in this country our government is trying to maintain a neutral position. (Chamberlain)

a. Dr. Hodgkin said that he did not believe that there was such a thing as a neutral school attitude. For instance, in New York schools, there is a strong atheistic bias.

B. Dr. Potter asked if the main thing was not the right to have private schools in which the religious body could do for its own children, or is the minimum ~~right~~ right to keep your children free from a contrary religious teaching ~~as~~ in Russia or in the school systems dominated by Catholics as in Peru. Is it not essential to religious liberty that:

a. A religious group may direct a school and teach its religion to its children ;

b. Churches may be free to have schools in which its religious belief is freely taught?



9. Dr. Hodgkin proposed this statement: "The right of parents to secure that their children be not indoctrinated to religious ideas which violate their own conscience."

10. Mr. Ritchie proposed the following statement: "The right of parents to determine the religious education of their children without the imposition by the state of any religious teaching contrary to their own belief."

11. It was agreed that the state should not compel the teaching to children, principles contrary to the belief of the parents.

C. The question of foreign teaching is part of the problem of religious schools in China. In the church and in the home you can bring up your child as you see fit but the school is an instrument of the state. (Lobenstine.)

1. Dr. Potter said that there are two questions involved in this, especially in India. (1) where schools of different faiths are equally available to parents and (2) where Christian schools are the only schools. In this latter instance there is a conscience clause, which says that a child may be exempted from religious teaching at the request of the parent.

As a result of this discussion Mr. Lobenstine's points in regard to the rights of nationals were amended to read as follows:

1. The right of each adult individual to hold such religious beliefs and to engage in such religious practices as he may desire, provided these are consonant with public order and morality with abridgement of his rights and privileges under the laws.

a. The right of an individual to change his religion and his religious allegiance.

2. The right of every citizen to propagate his religion by such means as he may desire so long as they are consonant with public order and morality.

3. The right of public assembly for religious purposes. (For example, worship, preaching, conventions, or conferences.)

4. The right to use the vernacular in religious worship and instruction.

5. The right to conduct theological colleges and institutions of various grades for the training of workers needed by a religious body in educating its constituency and propagating its faith.

6. The right to gather people together, both adults and children, for the study and practice of religion.

7. The right of any religious body whose teachings are consonant with public safety and morality to teach their own beliefs under whatever general regulations are enacted by the state in private schools for the education of their own children and those of others.

8. The right of a religious group to express and practice its faith through benevolent and social welfare work.

9. The right to publish books, periodicals, and tracts and to distribute these freely so long as they conform with the general press laws of the country.

10. The right to hold or use property without discrimination on grounds of religion for the above-mentioned purposes.

It was agreed:

I. That it would be helpful if the group could formulate three statements, consisting of:

- A. Rights that are essential to religious liberty;
- B. Rights that are helpful to a full development of life;
- C. Practices that are in use.

II. That the cooperation of groups in other countries should be solicited in the study of the question.

A. It was suggested that:

- 1. Mr. Lobenstine should call together a group in China that would keep in touch with the central group in New York;
- 2. That Dr. Axling be asked to start a group, and to confer with Mr. Lobenstine on the question if possible, in Japan;
- 3. That Mr. Higdon be asked to start a group in the Philippine Islands;
- 4. That Dr. Fleming be asked to present the situation to the secretaries of the National Christian Council in India, and Mr. Paton be asked to help in establishing a group there;
- 5. That Dr. Watson be requested to start a group in Egypt;
- 6. That Dr. Goodsell be consulted as to the best person to set up such a group in Turkey;
- 7. That Dr. Inman be asked to start groups in Latin America.

B. It was suggested that these groups be asked to comment on the points that Mr. Lobenstine has worked out and that these comments should be correlated and assembled for the next meeting.

C. It was agreed that the national groups be asked to furnish certain documentary material necessary for the study here in America of this whole question.

III. That a small informal group be called together in New York City of Catholics and Protestants and later to include Jews.

IV. That Dr. Fairfield of the American Board be asked to gather material on this subject during his trip to Japan for the purpose of bringing us a paper for our next meeting.

V. It was agreed that the committee approach Dr. Mott in regard to the possibility of having a study made of the situation in regard to religious liberty with the hope



of formulating a base-line statement in regard to religious freedom upon which all Protestants ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ can unite in the world struggle for religious freedom. The committee were instructed to outline such a project in detail. This would include a study of the situation as it is today, the treaty situation, legislation and practice as well as opinion evidence. It would include conference in the Far and Near East and in Europe and America. It was the expressed wish of the group that the nationals of other countries both oriental and occidental be brought into the thinking on this subject ~~and~~ at the very beginning so that the results should be as much their thought as the thought of the originating group in America.

VI. That the next meeting of the group should be held in late April or early May of 1931, the date to be left to the discretion of the Executive Committee. ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

An Executive Committee was appointed to carry on the work of the Group until the next meeting. This Committee consists of:

- Professor J. P. Chamberlain, chairman
- Dr. John A. Morehead
- Dr. Robert E. Spear
- Dr. W. W. Rockwell
- Dr. Fred Field Goodsell
- Dr. A. L. Warnshuis